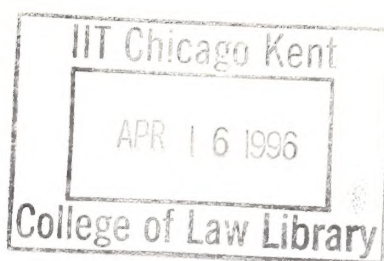
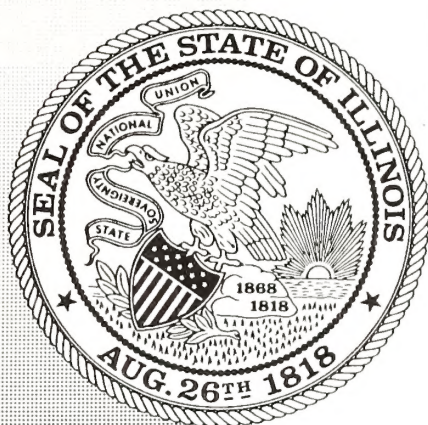


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Illinois Register

Rules of Governmental Agencies

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Secretary of State

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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1996

Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:
Dec. 19, 1995	Dec. 26, 1995	1	Jan. 5, 1996	June 25, 1996	July 2, 1996	28	July 12, 1996
Dec. 26, 1995	Jan. 2, 1996	2	Jan. 12, 1996	July 2, 1996	July 9, 1996	29	July 19, 1996
Jan. 2, 1996	Jan. 9, 1996	3	Jan. 19, 1996	July 9, 1996	July 16, 1996	30	July 26, 1996
Jan. 9, 1996	Jan. 16, 1996	4	Jan. 26, 1996	July 16, 1996	July 23, 1996	31	Aug. 2, 1996
Jan. 16, 1996	Jan. 23, 1996	5	Feb. 2, 1996	July 23, 1996	July 30, 1996	32	Aug. 9, 1996
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Jan. 30, 1996	Feb. 6, 1996	7	Feb. 16, 1996	Aug. 6, 1996	Aug. 13, 1996	34	Aug. 23, 1996
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Feb. 13, 1996	Feb. 20, 1996	9	Mar. 1, 1996	Aug. 20, 1996	Aug. 27, 1996	36	Sept. 6, 1996
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Feb. 27, 1996	Mar. 5, 1996	11	Mar. 15, 1996	Sept. 3, 1996	Sept. 10, 1996	38	Sept. 20, 1996
Mar. 5, 1996	Mar. 12, 1996	12	Mar. 22, 1996	Sept. 10, 1996	Sept. 17, 1996	39	Sept. 27, 1996
Mar. 12, 1996	Mar. 19, 1996	13	Mar. 29, 1996	Sept. 17, 1996	Sept. 24, 1996	40	Oct. 4, 1996
Mar. 19, 1996	Mar. 26, 1996	14	Apr. 5, 1996	Sept. 24, 1996	Oct. 1, 1996	41	Oct. 11, 1996
Mar. 26, 1996	Apr. 2, 1996	15	Apr. 12, 1996	Oct. 1, 1996	Oct. 8, 1996	42	Oct. 18, 1996
Apr. 2, 1996	Apr. 9, 1996	16	Apr. 19, 1996	Oct. 8, 1996	Oct. 15, 1996	43	Oct. 25, 1996
Apr. 9, 1996	Apr. 16, 1996	17	Apr. 26, 1996	Oct. 15, 1996	Oct. 22, 1996	44	Nov. 1, 1996
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Apr. 23, 1996	Apr. 30, 1996	19	May 10, 1996	Oct. 29, 1996	Nov. 4, 1996 (Mon.)	46	Nov. 15, 1996
Apr. 30, 1996	May 7, 1996	20	May 17, 1996	Nov. 4, 1996	Nov. 12, 1996	47	Nov. 22, 1996
May 7, 1996	May 14, 1996	21	May 24, 1996	Nov. 12, 1996	Nov. 19, 1996	48	Dec. 2, 1996 (Mon.)
May 14, 1996	May 21, 1996	22	May 31, 1996	Nov. 19, 1996	Nov. 26, 1996	49	Dec. 6, 1996
May 21, 1996	May 28, 1996	23	June 7, 1996	Nov. 26, 1996	Dec. 3, 1996	50	Dec. 13, 1996
May 28, 1996	June 4, 1996	24	June 14, 1996	Dec. 3, 1996	Dec. 10, 1996	51	Dec. 20, 1996
June 4, 1996	June 11, 1996	25	June 21, 1996	Dec. 10, 1996	Dec. 17, 1996	52	Dec. 27, 1996
June 11, 1996	June 18, 1996	26	June 28, 1996	Dec. 17, 1996	Dec. 23, 1996 (Mon.)	1	Jan. 3, 1997
June 18, 1996	June 25, 1996	27	July 5, 1996	Dec. 23, 1996	Dec. 31, 1996	2	Jan. 10, 1997

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) The Code Citation: 80 Ill. Adm. Code 310
- 3) Section Numbers: Proposed Action:
310.230 Amended
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].
- 5) A Complete Description of the Subjects and Issues Involved: In Section 310.230, Part-Time Daily or Hourly Special Services Rate, the Department of Agriculture has requested to change their per diem Apiary Inspector from daily rates to hourly rates. The current daily rate range of \$32 to \$50 for the Apiary Inspector is being changed to an hourly rate range of \$8.28 to \$10.15.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain any incorporations by reference? No
- 9) Are there any proposed amendments pending to this Part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
310.230	Amended	20 Ill. Reg. 4008 (March 8, 1996)
310. Appendix A, Table AA	Amended	20 Ill. Reg. 4091 (March 15, 1996)
310.100	Amended	20 Ill. Reg. 4491 (March 22, 1996)
310.110	Amended	20 Ill. Reg. 4491 (March 22, 1996)
310.130	Amended	20 Ill. Reg. 4491 (March 22, 1996)
310.230	Amended	20 Ill. Reg. 4491 (March 22, 1996)
310.240	Amended	20 Ill. Reg. 4491 (March 22, 1996)
310.495	Amended	20 Ill. Reg. 4491 (March 22, 1996)
310. Appendix B	Amended	20 Ill. Reg. 4491 (March 22, 1996)
310. Appendix G	Amended	20 Ill. Reg. 4491 (March 22, 1996)
310.50	Amended	20 Ill. Reg. 5106 (April 5, 1996)
310.70	Amended	20 Ill. Reg. 5106 (April 5, 1996)
310.100	Amended	20 Ill. Reg. 5106 (April 5, 1996)
310.280	Amended	20 Ill. Reg. 5106 (April 5, 1996)
310.480	Amended	20 Ill. Reg. 5106 (April 5, 1996)
310.490	Amended	20 Ill. Reg. 5106 (April 5, 1996)
310.500	Amended	20 Ill. Reg. 5106 (April 5, 1996)
310. Appendix A, Table F	Amended	20 Ill. Reg. 5106 (April 5, 1996)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- 10) Statement of Statewide Objectives: These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
Mr. Michael Murphy
Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, IL 62706
(217) 782-5601
- 12) Initial Regulatory Flexibility Analysis:
A) Types of small businesses, small municipalities and not for profit corporations affected: None. The Department of Central Management Services' Pay Plan extends only to Personnel Code employees under the jurisdiction of the Governor.
B) Reporting, bookkeeping or other procedures required for compliance: None
C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: These rules were not included on either of the 2 most recent agendas because: The change from daily rates to hourly rates for the Apiary Inspector was not summarized in any Regulatory Agenda since the request from the Department of Agriculture had not been received prior to January 1996.

The full text of the proposed amendment(s) begins on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND

POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310

PAY PLAN

SUBPART A: NARRATIVE

Section
310.20 Policy and Responsibilities
310.30 Jurisdiction
310.40 Pay Schedules
310.50 Definitions
310.60 Conversion of Base Salary to Pay Period Units
310.70 Conversion of Base Salary to Daily or Hourly Equivalents
310.80 Increases in Pay
310.90 Decreases in Pay
310.100 Other Pay Provisions
310.110 Implementation of Pay Plan Changes for Fiscal Year 1996
310.120 Interpretation and Application of Pay Plan
310.130 Effective Date
310.140 Reinstitution of Within Grade Salary Increases
310.150 Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section
310.205 Introduction
310.210 Prevailing Rate
310.220 Negotiated Rate
310.230 Part-Time Daily or Hourly Special Services Rate
310.240 Hourly Rate
310.250 Member, Patient and Inmate Rate
310.260 Trainee Rate
310.270 Legislated and Contracted Rate
310.280 Designated Rate
310.290 Out-of-State or Foreign Service Rate
310.300 Educator Schedule for RC-063 and HR-010
310.310 Physician Specialist Rate
310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330 Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

Section
310.410 Jurisdiction
310.420 Objectives
310.430 Responsibilities
310.440 Merit Compensation Salary Schedule
310.450 Procedures for Determining Annual Merit Increases
310.455 Intermittent Merit Increase
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310.470 Adjustment
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310.495 Public Service Administrator Class Series
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310.510 Conversion of Base Salary to Pay Period Units
310.520 Conversion of Base Salary to Daily or Hourly Equivalents
310.530 Implementation
310.540 Annual Merit Increase Guidechart for Fiscal Year 1995
310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A

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TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU)
TABLE C	RC-069 (Firefighters, AFSCME)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, IPFE)
TABLE H	RC-006 (Corrections Employees, AFSCME)
TABLE I	RC-009 (Institutional Employees, AFSCME)
TABLE J	RC-014 (Clerical Employees, AFSCME)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	RC-008 (Boilermakers)
TABLE M	RC-110 (Conservation Police Lodge)
TABLE N	RC-010 (Professional Legal Unit, AFSCME)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IPFE)
TABLE Q	RC-033 (Meat Inspectors, IPFE)
TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
TABLE S	HR-012 (Fair Employment Practices Employees, SEIU)
TABLE T	HR-010 (Teachers of Deaf, IFT)
TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

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APPENDIX G	Public Service Administrator Class Series Salary Schedule

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7230, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8304, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 30, 1986; for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

1996, for a maximum of 150 days; amended at 20 Ill. Reg. _____, effective _____.

SUBPART B: SCHEDULE OF RATES

Section 310.230 Part-Time Daily or Hourly Special Services Rate

The rate of pay as approved by the Director of Central Management Services for persons employed on a consultative or part-time basis requiring irregular hours of work shall be as listed below, except the total compensation of an employee in any given month shall not exceed the monthly rate of Step 5 of the salary grade for the title as shown in the Schedule of Salary Grades (Appendix B) of this Part if the class title is subject to the Schedule of Salary Grades, or Step 5 of the negotiated salary range for classes of positions shown in Section 310.220, Subpart B, Schedule of Rates, or 75% of the maximum rate of those classes of positions subject to the provisions of the Merit Compensation System, Subpart C of this Pay Plan.

Account Technician II	11.00 to 14.08 (hourly)
Apiary Inspector	83 to 106 (daily)
Building/Grounds Laborer	8.28 to 10.15 (hourly)
Building/Grounds Lead I	32 to 58 (daily)
Building/Grounds Lead II	4.25 to 6.00 (hourly)
Building/Grounds Maintenance Worker	4.25 to 7.00 (hourly)
Chaplain I	5.25 to 8.00 (hourly)
Chemist I	5.00 to 6.00 (hourly)
Conservation/Historic Preservation Worker	32 to 70 (daily)
Conservation/Historic Preservation Worker (2nd season -- site interpretation)	32 to 45 (daily)
Conservation/Historic Preservation Worker (3rd season -- site interpretation)	4.50 to 6.50 (hourly)
Dentist I	4.64 to 6.50 (hourly)
Dentist II	4.78 to 6.50 (hourly)
Educator	70 to 150 (daily)
Educator Aide	100 to 185 (daily)
Guard II	25 to 60 (daily)
Guard III	32 to 35 (daily)
Hearing and Speech Coordinator	67 to 84 (daily)
Hearings Referee	75 to 96 (daily)
Janitor I	15 to 30 (hourly)
Labor Maintenance Lead Worker	75 to 200 (daily)
Labor Relations Investigator	4.73 to 5.30 (hourly)
Laborer (Maintenance)	5.00 to 6.00 (hourly)
	35 to 70 (daily)
	4.25 to 5.70 (hourly)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

Maintenance Worker	4.25 to 5.00 (hourly)
Occupational Therapist	40 to 160 (daily)
Program Coordinator	8.12 to 10.40 (hourly)
Office Aide	60 to 78 (daily)
	8.12 to 10.71 (hourly)
	60 to 80 (daily)
Office Assistant	9.16 to 12.00 (hourly)
	68 to 90 (daily)
	9.16 to 12.36 (hourly)
	68 to 93 (daily)
Office Associate	9.80 to 13.05 (hourly)
	73 to 98 (daily)
	9.80 to 13.44 (hourly)
	73 to 101 (daily)
Office Clerk	8.58 to 11.15 (hourly)
	64 to 84 (daily)
	8.58 to 11.49 (hourly)
	64 to 86 (daily)
Optometrist	15 to 35 (hourly)
	50 to 160 (daily)
Physician	100 to 300 (daily)
Physician Specialist (A)	20 to 60 (hourly)
Physician-Specialist-(A)	100 to 325 (daily)
Physician Specialist (B)	20 to 70 (hourly)
Physician-Specialist-(B)	100 to 350 (daily)
Physician Specialist (C)	20 to 75 (hourly)
Physician-Specialist-(C)	100 to 360 (daily)
Physician Specialist (D)	20 to 85 (hourly)
Physician-Specialist-(D)	100 to 370 (daily)
Podiatrist	50 to 125 (daily)
Psychologist I	35 to 80 (daily)
Psychologist II	40 to 125 (daily)
Psychologist III	40 to 150 (daily)
Recreation Worker I	5.33 (hourly)
	32 to 40 (daily)
Registered Nurse I	39 to 54 (daily)
Registered Nurse I	41 to 56 (daily)
(2nd or 3rd shift)	
Registered Nurse I (Cook County)	43 to 58 (daily)
Registered Nurse I (Cook County -	44 to 59 (daily)
2nd or 3rd shift)	
Registered Nurse II	43 to 58 (daily)
Registered Nurse II	44 to 59 (daily)
(2nd or 3rd shift)	
Registered Nurse II (Cook County)	45 to 60 (daily)
Registered Nurse II (Cook County -	47 to 62 (daily)
2nd or 3rd shift)	

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

Social Worker II	35 to 75 (daily)
Social Worker III	35 to 80 (daily)
Student Worker	4.25 to 8.00 (hourly)
Tax Examiner	9.69 to 12.21 (hourly)
	73 to 92 (daily)
Technical Advisor II	32 to 35 (hourly)
Technical Advisor III	32 to 60 (hourly)
Technical Advisor IV	50 to 80 (hourly)
Veterinarian II	95 to 130 (daily)

(Source: Amended at 20 Ill. Reg. _____, effective _____)

ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Functions and Planning Program
- 2) Code Citation: 23 Ill. Adm. Code 2310
- 3) Section Numbers: Proposed Action:
2310.80 Amendment
- 4) Statutory Authority: Implementing Sections 5.07 and 5.13 and authorized by Section 5.01 of the Illinois Educational Facilities Authority Act [110 ILCS 1015/5.01, 5.07 and 5.13]

5) A Complete Description of the Subjects and Issues Involved: Section 2310.80 is being amended to clarify the nature of the Fees charged by the Authority and to decrease the Annual Fee which the Authority charges to institutions which have outstanding financings through the Authority. The decrease in the Annual Fee is recommended to provide the services of the Authority to the institutions at the lowest possible cost while still enabling the Authority to meet its operating expenses.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: Not applicable as the Authority does not receive any State funding.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments will be accepted for 45 days after the date of publication of this notice at the following address:

Thomas P. Conley, Executive Director
Illinois Educational Facilities Authority
333 West Wacker Drive, Suite 2600
Chicago, IL 60606
(312) 781-6633

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance:
None

ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF PROPOSED AMENDMENT

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated at the time the Regulatory Agenda was published.

The full text of the Proposed Amendment begins on the next page:

ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIV: ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

PART 2310

FUNCTIONS AND PLANNING PROGRAM

Section

2310.5

2310.10

2310.20

2310.30

2310.40

2310.50

2310.60

2310.70

2310.80

2310.90

EXHIBIT A

Authority Bond Issues and Bond Ratings (Repealed)
Estimated Fee Schedule as Special Bond Counsel with Respect to
Bonds Issued by Illinois Educational Facilities Authority
(Repealed)

AUTHORITY: Implementing Sections 5.07 and 5.13 and authorized by Section 5.01 of the Illinois Educational Facilities Authority Act [110 ILCS 1015/5.01, 5.07 and 5.13].

SOURCE: Filed December 23, 1977; amended at 4 Ill. Reg. 29, p. 270, effective July 2, 1980; amended at 6 Ill. Reg. 7414, effective July 1, 1982; codified at 7 Ill. Reg. 16396; amended at 8 Ill. Reg. 5192, effective April 6, 1984; amended at 8 Ill. Reg. 8444, effective June 5, 1984; amended at 10 Ill. Reg. 10569, effective June 30, 1986; amended at 11 Ill. Reg. 9106, effective April 28, 1987; amended at 11 Ill. Reg. 10600, effective May 26, 1987; amended at 13 Ill. Reg. 7898, effective May 15, 1989; amended at 17 Ill. Reg. 9680, effective July 1, 1993; amended at 20 Ill. Reg. _____, effective _____.

Section 2310.80 Fees

a) The Authority charges the following fees:

1) Application Fee - for processing an Application for Assistance submitted with application and not refundable.

A) \$250.00 on issues up to but not including \$1,000,000 principal amount;

B) \$500.00 on issues of \$1,000,000 up to but not including \$5,000,000 principal amount; and

C) \$1,000.00 on issues of \$5,000,000 principal amount and over.

AGENCY NOTE: This fee will be credited to the Administrative Charge upon completion of the related bond

ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF PROPOSED AMENDMENT

financing.

2) Administrative Charge - for completing a bond financing - 1/4 of 1% of the principal amount of bonds issued or \$10,000 whichever is less - payable following the bond closing.

AGENCY NOTE: The Administrative Charge includes the Annual Fee for the year following the issuance of the bonds.

3) Annual Fee - for servicing a bond financing for one year - for annual fees coming due on or after July 1, 1996 1997, the Annual Fee shall be 1.5/100 2/100 of 1% of the original amount of the bond issue - payable in advance and not refundable.

b) These fees are designed to cover the operating expenses of the Authority. In addition, the participating institutions will be expected to bear all other costs of the financing, including trustee's fees, printing expenses, the financial advisor's fee, and the fee and disbursements of bond counsel. These fees may be financed with bond proceeds.

(Source: Amended at 20 Ill. Reg. _____, effective _____.)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Licensing of Industrial Hygienists2) Code Citation: 35 Ill. Adm. Code 1843) Section Numbers:
184.400 Proposed Action:
Amended4) Statutory Authority: Implementing and authorized by the Industrial Hygiene Licensing Act [225 ILCS 52].

5) A Complete Description of the Subjects and Issues Involved: The Industrial Hygiene Licensing Act (Act) created a voluntary "title protection" licensing program for industrial hygienists, and established the Illinois Environmental Protection Agency (Agency) as the administering agency. Industrial hygienists who do not become licensed under this program are not precluded from practicing in Illinois, but may not represent themselves as "Licensed Industrial Hygienists." The currently effective provisions of this Part contain specific application requirements and fees for initial licensing and license renewal, among other things. The Act authorizes the Agency to establish fees by rule to create a self-supporting licensing program. Under current Section 184.400 of this Part, the fee for renewal of an unexpired license is \$50. The Agency is currently proposing to change the fee for renewal from \$50 to \$100. Based upon the Agency's experience from the effective date of this Part (November 15, 1994) to the present, the actual costs of administering the licensing program will exceed the amount that will be realized from renewal fees which are scheduled to become due as Licensed Industrial Hygienists come up for license renewal. Few new initial applicants for license have come into the program under this Part after the first group of applicants was licensed in 1994, so that renewal application fees will now be the major source of funding for this program. The Agency consulted with members of the Industrial Hygiene Examining Board and with the Illinois Association of Industrial Hygienists before proposing this amendment, and has learned that the Licensed Industrial Hygienists affected by this proposed renewal fee increase do not oppose this modest increase.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No7) Does this rulemaking contain an automatic repeal date? No8) Does this rulemaking contain incorporations by reference? No9) Are there any other proposed rulemakings pending on this Part? No10) Statement of Statewide Policy Objectives: This proposed amendment does not create or enlarge a state mandate as defined in Section 3(b) of the State

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENT

Mandate Act, 30 ILCS 805/3(b).

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed amendment may submit them in writing by no later than 45 days after publication of this notice to:

Mr. John P. Waligore
Assistant Counsel
Environmental Policy and Chemical Safety
Division of Legal Counsel
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This proposed amendment does not affect "small business," as that term is defined in Section 1-75 of the Illinois Administrative Procedure Act, 5 ILCS 100/1-75. This Part and this proposed amendment involve a completely voluntary program. Additionally, this program allows only natural persons to become Licensed Industrial Hygienists, so that it will not affect municipalities or corporations.

B) Reporting, bookkeeping or other procedure required for compliance: No new reporting, bookkeeping or other procedures will be required as the result of the proposed amendment. The only existing procedures required for compliance with this Part are the filing of a complete application for initial licensure and the timely submission of renewal applications.

C) Types of professional skills necessary for compliance: The proposed amendment requires no new professional skills to demonstrate and maintain compliance. The existing Part requires that applicants for initial licensure must have at least an undergraduate degree in industrial hygiene or an allied field, have a minimum level of practice experience and have passed the examination prescribed by the American Board of Industrial Hygiene.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on the 2 most recent agendas because: the Agency only recently determined that a prospective fee adjustment would be necessary to allow the licensing program to continue to be self-supporting, and that such adjustment could most equitably be put into place beginning January 1, 1997.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENT

The full text of the Proposed Amendment begins on the next page

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE A: GENERAL PROVISIONS

CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 184

LICENSING OF INDUSTRIAL HYGIENISTS

SUBPART A: GENERAL

Section	Purpose
184.100	Purpose
184.101	Applicability
184.102	Definitions
184.103	Disclaimer
184.104	Severability
184.105	Industrial Hygiene Examining Board
184.106	Address for Submittals to Agency

SUBPART B: REQUIREMENTS FOR LICENSE

Section	
184.200	Application Requirements
184.201	Felony Convictions of Applicants
184.202	Agency-Approved Programs
184.203	Agency-Approved Institutions
184.204	Agency-Authorized Examination
184.205	Examination Review and Administration
184.206	Professional Experience Requirements
184.207	Application Statement

SUBPART C: LICENSE VALIDITY AND RENEWAL

Section	
184.300	Validity of License
184.301	License Renewal
184.302	Inactive Status

SUBPART D: FEES

Section	
184.400	Application/Renewal Fees
184.401	Record Fee
184.402	Other Fees
184.403	Nonrefundability of Fees

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENT

SUBPART E: DENIAL, REFUSAL TO RENEW, SUSPENSION AND REVOCATION OF LICENSES

Section	Investigation
184.500	Notice
184.501	Procedure
184.502	Grounds for Denial, Refusal to Renew, Suspension and Revocation
184.503	Sanctions
184.504	Appeal
184.505	Record Required
184.506	

SUBPART F: RECIPROCITY

Section	Evaluation of Licensing by Other States and Reciprocal Licensure
184.500	

AUTHORITY: Implementing and authorized by the Industrial Hygiene Licensing Act [225 ILCS 52].

SOURCE: Adopted at 18 Ill. Reg. 16906, effective November 15, 1994; amended at 20 Ill. Reg. _____, effective _____.

SUBPART D: FEES

Section 184.400 Application/Renewal Fees

- a) All fees payable under this Part shall be made payable to the Industrial Hygienists Regulatory and Enforcement Fund.
- b) As provided in Section 50 of the Act, all persons required to be licensed when the Act was approved on August 20, 1993, were to have registered with the Agency and submitted a registration fee of \$100 by November 18, 1993. Persons who registered by November 18, 1993, shall be sent an Industrial Hygienist License Application form by the Agency. After January 1, 1994, the Agency will begin issuing licenses to qualified, registered applicants who have satisfied all the requirements of Section 184.200 of this Part. Persons submitting applications who did not register by November 18, 1993, shall not be issued licenses before July 1, 1994.
- c) The application fee for an initial license or for renewal of an expired license shall be \$200, except that the application fee for applicants who registered by November 18, 1993, shall be \$100 for their initial term of licensure. The application fee includes the issuance of a wallet license certificate.
- d) Until January 1, 1997, the fee for the renewal of an unexpired license shall be \$50, provided that the application for renewal is submitted no less than 30 days before the expiration date of the license. Beginning January 1, 1997, the fee for the renewal of an

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENT

unexpired license shall be \$100. Any application for renewal submitted before the expiration date of the applicant's license, but less than 30 days before the expiration date, shall be subject to an additional \$50 fee.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATIONS

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Controlled Substances Act
- 2) Code Citation: 77 Ill. Adm. Code 3100
- 3) Section Numbers: Proposed Action:
3100.10 Amendment

- 4) Statutory Authority: The Illinois Controlled Substances Act [720 ILCS 570]

- 5) Complete Description of the Subjects and Issues Involved Public Act 89-0140, effective January 1, 1996, amended the Illinois Optometric Practice Act of 1987 [225 ILCS 80] to authorize optometrists to use therapeutic pharmaceutical agents (TPAs).

Amendments to the rules for the Optometric Practice Act of 1987 (68 Ill. Adm. Code 1320) to implement this change were adopted at 19 Ill. Reg. 17150, effective December 19, 1995. The authorization for optometrists to use TPAs also affects the rules for the Controlled Substances Act. The Illinois Controlled Substances Act empowers the Department of Professional Regulation to promulgate rules relating to the registration and control of the manufacture, distribution and dispensing of controlled substances within this State.

This proposed rulemaking adds therapeutically certified optometrists to the list of physicians, dentists, veterinarians and podiatrists licensed in Illinois and defined under "Individual Practitioner" (Section 3100.10(b)(7)).

- 6) Will these proposed amendments replace emergency rules currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786

DEPARTMENT OF PROFESSIONAL REGULATIONS

NOTICE OF PROPOSED AMENDMENT(S)

(217) 785-0800

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Licensed optometrists.

- B) Reporting, bookkeeping or other procedures required for compliance: None

- C) Types of professional skills necessary for compliance: Skills in optometry are required for licensure.

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: It was not realized that when amendments to the rules for the optometry profession were summarized in the January 1995 regulatory agenda it also would be necessary to amend the Controlled Substances rules to include optometrists among those permitted to prescribe non-narcotic oral analgesic agents.

The full text of the Proposed Amendment(s) begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATIONS

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 77: PUBLIC HEALTH
CHAPTER XV: DEPARTMENT OF PROFESSIONAL REGULATIONPART 3100
CONTROLLED SUBSTANCES ACT

Section	
3100.10	Definitions
3100.20	Copies of This Part
3100.30	Renewal Periods and Fees
3100.40	Time and Method of Payment
3100.50	Separate Registration for Independent Activities
3100.60	Exempted Locations
3100.70	Requirements of Registration
3100.80	Exemption of Agents and Employees: Affiliated Practitioners
3100.90	Time for Application for Registration: Expiration Date
3100.100	Application Forms
3100.110	Filing of Application: Joint Filings
3100.120	Acceptance for Filing: Defective Applications
3100.130	Additional Information
3100.140	Amendments to and Withdrawal of Applications
3100.150	Certificate of Registration: Denial of Registration
3100.160	Suspension or Revocation of Registration
3100.170	Suspension of Registration Pending Final Order
3100.180	Extension of Registration
3100.190	Hearing Officer
3100.200	Hearings and Notices
3100.210	Procedures for Hearing
3100.220	Hearing--Pursuant to Paragraph 1305(b)
3100.230	Default Disposition of a Contested Case
3100.240	Recording of Testimony
3100.250	Recording of Hearing
3100.260	Rehearing
3100.270	Final Decisions and Orders
3100.280	Modification in Registration
3100.290	Termination of Registration
3100.300	Transfer of Registration
3100.310	Security Requirements Generally
3100.320	Factors in Evaluating Physical Security Systems
3100.330	Physical Security Controls for Non-Practitioners
3100.340	Physical Security Controls for Practitioners
3100.350	Other Security Controls for Practitioners
3100.360	Record and Inventorying Requirements Generally
3100.370	Persons Entitled to Issue Prescriptions
3100.380	Purpose of Issue of Prescription
3100.390	Manner of Issuance of Prescription
3100.400	Requirement of Prescription
3100.410	Refilling of Prescription

DEPARTMENT OF PROFESSIONAL REGULATIONS

NOTICE OF PROPOSED AMENDMENT(S)

3100.420	Partial Filling of Prescriptions
3100.430	Prescriptions from Out-of-State Practitioners and Exempt Federal Practitioners
3100.440	Authority to Make Inspections
3100.450	Inspections
3100.460	Failure to Comply with Rules
3100.470	Address for Notices
3100.480	Suspension or Modification of Rules and Regulations
3100.490	Construction of Rules and Regulations
3100.500	Written Order
3100.510	Paragraph 1312(d) Record Keeping
3100.520	Emergency Medication Kits
3100.530	Transfer Between Pharmacies of Prescription Information for Refill Purposes

AUTHORITY: Implementing and authorized by the Illinois Controlled Substances Act [720 ILCS 570].

SOURCE: Rules and Regulations promulgated for the Administration of the Illinois Controlled Substances Act, effective October 22, 1975; amended at 3 Ill. Reg. 38, p. 277, effective September 20, 1979; amended at 4 Ill. Reg. 46, p. 1297, effective November 5, 1980; amended at 5 Ill. Reg. 3528, effective March 25, 1981; amended at 5 Ill. Reg. 8693, effective August 12, 1981; amended at 6 Ill. Reg. 10015, effective August 5, 1982; codified at 8 Ill. Reg. 543; amended at 8 Ill. Reg. 2498, effective February 9, 1984; amended at 8 Ill. Reg. 16344, effective August 23, 1984; amended at 11 Ill. Reg. 18246, effective October 27, 1987; transferred from Chapter VII, 77 Ill. Adm. Code 1650 (Department of Registration and Education) to Chapter XV, 77 Ill. Adm. Code 3100 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2922; amended at 20 Ill. Reg. _____, effective _____.

Section 3100.10 Definitions

- a) Authority: This Part is made and issued by the Department of Professional Regulation pursuant to the Illinois Controlled Substances Act [720 ILCS 570] ~~§§§§-Rev--Stat--ch--56-1727-pars--1100-es-seq--7,~~ which empowers the Department to promulgate rules relating to the registration and control of the manufacture, distribution and dispensing of controlled substances within this State.
- b) Definitions: Unless the context clearly requires otherwise, the following terms have the meanings ascribed to them herein:
- 1) "Act"--means the Illinois Controlled Substances Act [720 ILCS 570] ~~§§§§-Rev--Stat--ch--56-1727-pars--1100-es-seq--7-or-the~~
 - 2) "Basic Class"--is defined as set forth in Title 21, Chap. II, Sec. 1301.02 of the Federal Regulations relating to Food and Drugs (21 CFR 1301.02).

DEPARTMENT OF PROFESSIONAL REGULATIONS

NOTICE OF PROPOSED AMENDMENT(S)

- 3) "Controlled Substances Code Number"--means the number assigned to controlled substances and controlled drug preparations by the Drug Enforcement Administration of the Department of Justice.
- 4) "Department"--means the Department of Professional Regulation of the State of Illinois.
- 5) "Director"--means the Director of the Department of Professional Regulation of the State of Illinois.
- 6) "Hearing Officer"--means either the Director or any person he/she appoints pursuant to this Part. Such person shall have full power to receive evidence, decide evidentiary questions, issue subpoenas and otherwise conduct a hearing.
- 7) "Individual Practitioner"--means a physician, dentist, veterinarian, ~~or~~ podiatrist or therapeutically certified optometrist licensed in the State of Illinois to practice his/her profession.
- 8) "Institutional Practitioner"--means a hospital or other party (other than an individual) licensed, registered or otherwise permitted by the State of Illinois to dispense a controlled substance in the course of professional practice but does not include a pharmacy.
- 9) "Registrant"--means a person or party registered under or holding a certificate of registration pursuant to the Act.
- 10) "Rules"--means the rules of the Act.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Optometric Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1320
- 3) Section Numbers: Proposed Action:
1320.315 New Section
- 4) Statutory Authority: The Optometric Practice Act of 1987 [225 ILCS 80]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes that a therapeutically certified licensed optometrist, in order to prescribe non-narcotic controlled substance oral analgesic therapeutic ocular pharmaceutical agents, must apply for a controlled substance license pursuant to 77 Ill. Adm. Code 3100.
- 6) Will these Proposed Amendments replace an emergency Rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these Proposed Amendments contain incorporations by reference? No
- 9) Are there any other Proposed Amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0800 Fax #: 217/782-7645

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Optometrists
- B) Reporting, bookkeeping or other procedures required for compliance: In order to prescribe non-narcotic controlled substance oral analgesic therapeutic ocular pharmaceutical agents, therapeutically certified licensed optometrists must

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

apply for a controlled substance license.

- C) Types of professional skills necessary for compliance: Skills in optometry are necessary for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: It is a follow-up to rules adopted December 19, 1995, which also were related to therapeutic certification for optometrists. It had been listed in the January 1995 agenda.

The full text of the Proposed Amendment(s) begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1320

OPTOMETRIC PRACTICE ACT OF 1987

SUBPART A: OPTOMETRY

Section
1320.20 Approved Programs of Optometry
1320.30 Application for Licensure
1320.40 Examinations
1320.45 Fees (Emergency Expired)
1320.50 Endorsement
1320.55 Renewals (Renumbered)
1320.60 Inactive Status
1320.70 Restoration
1320.80 Continuing Education
1320.90 Minimum Eye Examination
1320.95 Minimum Equipment List
1320.100 Practice of Optometry
1320.110 Advertising
1320.120 Granting Variances (Renumbered)

SUBPART B: DIAGNOSTIC TOPICAL OCULAR PHARMACEUTICALS

Section
1320.200 Standards
1320.210 Application for Diagnostic Certification
1320.220 Approved Diagnostic Topical Ocular Pharmacological Training
1320.230 Approved Diagnostic Topical Ocular Pharmaceutical Agents Pursuant to Section 15.1 of the Act
1320.240 Restoration of Diagnostic Certification
1320.250 Endorsement of Diagnostic Certification
1320.260 Renewal of Certification (Repealed)
1320.270 Display of Certification (Repealed)

SUBPART C: THERAPEUTIC OCULAR PHARMACEUTICAL AGENTS

Section
1320.300 Definitions and Standards
1320.310 Application for Therapeutic Certification
1320.315 Controlled Substance License Requirement
1320.320 Approved Therapeutic Ocular Training
1320.330 Approved Therapeutic Ocular Pharmaceutical Agents Pursuant to Section 15.1 of the Act
1320.340 Restoration of Therapeutic Certification

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1320.350 Endorsement of Therapeutic Certification

SUBPART D: GENERAL

Section	Section
1320.400 Fees	
1320.410 Ancillary Licenses	
1320.420 Renewals	
1320.430 Granting Variances	

AUTHORITY: Implementing the Illinois Optometric Practice Act of 1987 [225 ILCS 80] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 5 Ill. Reg. 5869, effective June 1, 1981; codified at 5 Ill. Reg. 11046; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; emergency amendment at 6 Ill. Reg. 2273, effective January 29, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 10032, effective August 1, 1982; amended at 9 Ill. Reg. 1092, effective January 11, 1985; amended at 10 Ill. Reg. 7340, effective April 16, 1986; transferred from Chapter I, 68 Ill. Adm. Code 320 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1320 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 1821; emergency amendment at 12 Ill. Reg. 1925, effective January 1, 1988, for a maximum of 150 days; emergency expired May 30, 1988; amended at 12 Ill. Reg. 11447, effective June 27, 1988; amended at 13 Ill. Reg. 6994, effective April 25, 1989; amended at 14 Ill. Reg. 14128, effective August 15, 1990; amended at 17 Ill. Reg. 18096, effective October 4, 1993; amended at 17 Ill. Reg. 21501, effective December 1, 1993; amended at 19 Ill. Reg. 17150, effective December 19, 1995; amended at 20 Ill. Reg. _____, effective _____.

SUBPART C: THERAPEUTIC OCULAR PHARMACEUTICAL AGENTS

Section 1320.315 Controlled Substance License Requirement

Therapeutically certified licensed optometrists, in order to prescribe non-narcotic controlled substance oral analgesic therapeutic ocular pharmaceutical agents as set forth in Section 1320.330(a)(7), shall apply for a controlled substance license pursuant to 77 Ill. Adm. Code 3100. Such license will be limited to prescribing Schedule IIN, IIIN and IV non-narcotic oral analgesic agents.

(Source: Added at 20 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Developmental Disabilities Service2) Code Citation: 89 Ill. Adm. Code 1443) Section Number: 144.50
Proposed Action: New Section4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: These proposed amendments provide for an appeal process of residential assessments conducted by the Inspection of Care (IOC) team in facilities for persons with developmental disabilities (ICF/MR). According to these amendments, a facility may request such an appeal if it believes an assessment does not accurately reflect the conditions of its residents. Examples of conditions which may be appealable include level of functioning, medical and behavioral add-ons, and special transportation needs. This appeal process has the potential of affecting facility rates since IOC data is utilized in reimbursement calculations.

The proposed amendments have resulted from the recommendations of an interagency transition committee since current rules pertaining to ICF/MR facilities do not contain an IOC appeal process. Staff from the Departments of Public Aid, Public Health and Mental Health and Developmental Disabilities drafted the proposed amendments which have been shared with the transition committee and trade associations for review and comment. These proposed amendments are not expected to result in any budgetary changes.

6) Will these proposed amendments replace emergency amendments currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Do these proposed amendments contain incorporations by reference? No9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
144.25	New Section	March 22, 1996 (20 Ill. Reg. 4526)
144.275	Amendment	December 22, 1995 (19 Ill. Reg. 16765)
144.300	Amendment	March 8, 1996 (20 Ill. Reg. 4035)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.11) Time, Place, and Manner in which Interested Persons may comment on this

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NOTICE OF PROPOSED AMENDMENTS

Proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, IL 62762
(217)524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Long term care facilities for persons with developmental disabilities (ICF/MR)
- B) Reporting, bookkeeping or other procedures required for compliance:
None
- C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: January 1996

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 144

DEVELOPMENTAL DISABILITIES SERVICES

Section	Incorporation By Reference
144.1	Determination of Program (Active Treatment) Costs
144.5	Active Treatment Service Requirements in Residential Facilities for Individuals with Developmental Disabilities (Repealed)
144.25	Inspection of Care and Rate Setting Appeal Process Inspection-of-Care (1987)-Review-Criteria-for-the-Evaluation-of-Active-Treatment-Services in--Residential--Facilities--for--individuals--with--Developmental Disabilities--(Repealed)
144.50	Comprehensive Functional Assessments and Reassessments (Repealed)
144.75	Interdisciplinary Team (IDT) (Repealed)
144.100	Individual Program Plan (IPP) (Repealed)
144.105	Specialized Care - Behavior Development Programs
144.125	Functional Needs
144.150	Service Needs - Medical Care (Repealed)
144.175	Service Needs - Medical and Therapy Services (Repealed)
144.200	Individual Rights (Repealed)
144.205	Reconciliation of Resident Funds
144.225	Discharge Planning/Maximum Growth Potential Plan (Repealed)
144.230	Reimbursement for Program (Active Treatment) Costs in Residential Facilities for Clients with Developmental Disabilities
144.250	Reimbursement for Program (Active Treatment) Costs in Small Scale Residential Facilities
144.300	Capital Rate Calculation
144.325	Overview of Staff Intensity Scale of Maladaptive Behaviors
TABLE A	Staff Intensity Scale
TABLE B	IPP Outcomes (Repealed)
TABLE C	Guidelines for Determining Levels of Functioning
TABLE D	Standardized Adaptive Functional Assessment
TABLE E	

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 14 Ill. Reg. 4166, effective March 9, 1990; Section 144.275 recodified from 89 Ill. Adm. Code 146.225 at 14 Ill. Reg. 7651; amended at 14 Ill. Reg. 17988, effective October 29, 1990; amended at 15 Ill. Reg. 14084, effective September 24, 1991; emergency amendment at 15 Ill. Reg. 16148, effective October 22, 1991, for a maximum of 150 days; amended at 16 Ill. Reg.

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3497, effective February 28, 1992; amended at 16 Ill. Reg. 5898, effective March 20, 1992; amended at 17 Ill. Reg. 8478, effective June 1, 1993; amended at 17 Ill. Reg. 11480, effective July 16, 1993; emergency amendment at 17 Ill. Reg. 15126, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; emergency amendment repealed at 17 Ill. Reg. 22582, effective December 20, 1993; emergency amendment at 18 Ill. Reg. 11314, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16619, effective October 27, 1994; amended at 19 Ill. Reg. 2890, effective February 22, 1995; amended at 19 Ill. Reg. 7906, effective June 5, 1995; amended at 20 Ill. Reg. _____, effective _____.

Section 144.50 Inspection of Care and Rate Setting Appeal Process Inspection of Care (IOC) - Review Criteria for the Evaluation of Active Treatment - Services in Residential Facilities for Individuals with Developmental Disabilities (Repeated)

a) Inspection of Care Appeal Process

1) Resident Assessment - A facility may request an appeal of the resident assessment conducted by the Inspection of Care (IOC) team. Examples of conditions which may be appealed include level of functioning (IQ, results of functional assessments and existence of related conditions), medical add-ons, behavioral add-ons, major life area limitations, special transportation needs, special care nursing and information on the developmental training agency attended. Differences between the facility and the IOC team regarding the conditions of the residents will be addressed using a three-step approach:

- A) exit conference discussion between the facility and the IOC team;
 - B) informal review involving the Department of Public Health (DPH) regional supervisor and/or central office staff upon request by the facility; and
 - C) formal review to be heard by the Department of Mental Health and Developmental Disabilities' (DMHDD) management.
- 2) Incomplete Assessments - In order for an assessment to be appealable, the assessment must be completed prior to the exit conference to be included in the IOC.

b) Examples of Appealable Situations

- 1) If the facility believes the surveyor has misinterpreted the regulations, or the facility disagrees with the surveyor's recommendations pertinent to the resident's condition (examples are included in subsection (a)(1)), the facility may request an appeal.
- 2) If the facility believes that all assessment data pertinent to the individual's status/condition have not been reviewed, the facility may bring that data to the attention of the surveyor through the appeal process. Such information must have been part of the resident's record at the time of the assessment to be

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considered.

- 3) The facility has been surveyed because of a 25 percent Medicaid eligible population change, a State Developmental Center admission or because it is a new facility, and there is disagreement with the findings.

c) Process and Time Frames

- 1) Exit Conference - At the exit conference, the facility may state the service needs that it disputes. The facility is responsible for providing supporting data to the IOC team at the exit conference. When the differences are not reconciled through discussion, the facility may request an appeal. The facility shall submit the written appeal request stating the service needs in dispute. The appeal request and the supporting documentation provided by the facility shall be submitted to the IOC regional supervisor (with a copy of the appeal request to DPH's Division of Long Term Care (D LTC) Field Operations) within 14 calendar days after the IOC exit date.
- 2) Informal Review - Within 30 calendar days after receipt of the IOC appeal request and supporting documentation, the IOC regional supervisor and/or DPH central office staff will review the documentation and either uphold or overturn the surveyor's findings and shall provide written notification of the decision to the facility.
- 3) Formal Review - The facility may request a formal review of the informal review decision. Within ten calendar days after receipt of the decision from the regional supervisor, the facility shall submit a written request for a formal review to the Associate Director of the Division of Developmental Disabilities within DMHDD with a copy to the D LTC Field Operations within DPH.
 - A) The formal review shall be conducted not more than 30 days after the facility's request for such a review. Not fewer than 14 days prior to the scheduled review date, the Division of Developmental Disabilities will notify the facility in writing of the review date, with necessary instructions for the facility to request rescheduling if the date is not feasible for the facility.
 - B) The Associate Director and/or his or her designee will preside over the formal review. During the review, DPH representatives shall present the basis for the decision reached at the informal level of the review. The facility shall present its documentation and DMHDD shall apply policy as it relates to the findings under dispute. The Associate Director shall send to the facility a written decision rendered as a result of the formal review within ten calendar days after the hearing with a copy to DPH. The decision of the Associate Director is final.
- 4) Continuation of an appeal is contingent upon following the steps and timeframes established in this Section.

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- d) Use of IOC Data in Rate Calculation
 DMHDD will explain the use of IOC data in rate calculations upon written or telephone requests and/or personal visits. DMHDD will correct any errors in processing or using this IOC data to calculate rates. Rate methodology is promulgated by rulemaking according to the Illinois Administrative Procedure Act and is subject to review only through the formal rulemaking comment and hearing process.

(Source: Section repealed at 18 Ill. Reg. 16619, effective October 27, 1994; new Section added at 20 Ill. Reg. _____, effective _____.)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Number: 121.151
Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and General Letter No. 96-13 from USDA.
- 5) Complete Description of the Subjects and Issues Involved: When a decision has been made that a person committed an Intentional Program Violation (IPV), the individual is disqualified from receiving food stamp benefits for a set period of time. Pursuant to a directive from the USDA Food and Consumer Service, this rulemaking changes when the period of disqualification will be implemented.
- In the Garcia Decision, the 9th Circuit Federal Court found that the current federal regulations still apply as to the determination of a disqualification period for an intentional program violation. The court ruled, however, that disqualification shall no longer be pending but must be imposed immediately, even if the client is no longer receiving food stamps.
- As a result of these proposed amendments, the disqualification period will start immediately whether or not the person is active for food stamps. For persons participating in the Food Stamp Program, the disqualification period will begin no later than the second fiscal month after the month of the IPV decision. For persons not participating in the Food Stamp Program, the disqualification period will begin the month after the month of the IPV decision.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
121.58	Amendment	March 1, 1996 (20 Ill. Reg. 3791)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

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- 11) Time, Place, and Manner in which Interested Persons may comment on this Proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, IL 62762
(217) 524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: the rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section
121.1
121.2
121.3
121.4
121.5
121.6
121.7
121.10

Application for Assistance
Time Limitations on the Disposition of an Application
Approval of an Application and Initial Authorization of Assistance
Denial of an Application
Client Cooperation
Emergency Assistance
Expedited Services
Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
121.19
121.20
121.21
121.22
121.23
121.24
121.25
121.26
121.27
121.28
121.29

Ending a Voluntary Quit Disqualification
Citizenship
Residence
Social Security Numbers
Work Registration/Participation Requirements (Repealed)
Individuals Exempt From Work Registration Requirements (Repealed)
Failure to Comply (Repealed)
Period of Disqualification (Repealed)
Voluntary Job Quit
Good Cause for Voluntary Job Quit
Exemptions from Voluntary Quit Rule

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section
121.30
121.31
121.32
121.33
121.34
121.40
121.41
121.50
121.51
121.52

Unearned Income
Exempt Unearned Income
Education Benefits
Unearned Income In-Kind
Lump Sum Payments and Income Tax Refunds
Earned Income
Budgeting Earned Income
Exempt Earned Income
Income from Work/Study/Training Programs
Earned Income from Roomer and Boarder

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121.53
121.54
121.55
121.57
121.58
121.59

Income From Rental Property
Earned Income In-Kind
Sponsors of Aliens
Assets
Exempt Assets
Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section
121.60
121.61
121.62
121.63
121.64

Net Monthly Income Eligibility Standards
Gross Monthly Income Eligibility Standards
Income Which Must Be Annualized
Deductions From Monthly Income
Coupon Allotment

Section
121.70
121.71
121.72
121.73
121.74
121.75
121.76

Composition of the Assistance Unit
Living Arrangement
Nonhousehold Members
Ineligible Household Members
Strikers
Students
Households Receiving AFDC, SSI, Interim Assistance and/or GA -
Categorical Eligibility

SUBPART E: HOUSEHOLD CONCEPT

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section
121.80
121.81
121.82
121.83
121.84
121.85
121.90
121.91
121.92
121.93
121.94
121.95
121.96
121.97
121.98
121.120
121.130

Fraud Disqualification (Renumbered)
Initiation of Administrative Fraud Hearing (Repealed)
Definition of Fraud (Renumbered)
Notification To Applicant Households (Renumbered)
Disqualification Upon Finding of Fraud (Renumbered)
Court Imposed Disqualification (Renumbered)
Monthly Reporting and Retrospective Budgeting
Monthly Reporting
Retrospective Budgeting
Direct Mail Issuance of Food Stamp Coupons
Replacement of Food Stamp Coupons
Restoration of Lost Benefits
Uses For Food Coupons
Supplemental Payments
Food Stamp Simplified Application Demonstration Project (Repealed)
Recertification of Eligibility
Residents of Shelters for Battered Women and their Children

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121.135
121.140

Incorporation By Reference
Small Group Living Arrangement Facilities and Drug/Alcoholic
Treatment Centers

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section
121.150
121.151
121.152
121.153
121.154

Definition of Intentional Violations of the Program
Penalties for Intentional Violations of the Program
Notification To Applicant Households
Disqualification Upon Finding of Intentional Violation of the Program
Court Imposed Disqualification

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section
121.160
121.162
121.164
121.166
121.170
121.172
121.174
121.176
121.178
121.180
121.182
121.184
121.186
121.188
121.190
121.200
121.201

Persons Required to Participate
Participation and Cooperation Requirements
Orientation
Assessment and Employability Plan
Job Search Component
Basic Education Component
Job Readiness Component
Work Experience Component
Job Training Component
Grant Diversion Component
Earnfare Component
Sanctions
Good Cause for Failure to Cooperate
Supportive Services
Conciliation and Fair Hearings
Types of Claims (Recodified)
Establishing a Claim for Intentional Violation of the Program
(Recodified)

121.202
121.203
121.204
121.205
121.206
121.207
121.208

Establishing a Claim for Unintentional Household Errors and
Administrative Errors (Recodified)
Collecting Claim Against Households (Recodified)
Failure to Respond to Initial Demand Letter (Recodified)
Methods of Repayment of Food Stamp Claims (Recodified)
Determination of Monthly Allotment Reductions (Recodified)
Failure to Make Payment in Accordance with Repayment Schedule
(Recodified)
Suspension and Termination of Claims (Recodified)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by
Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6
and 12-13].

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SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill.

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Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3990, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994;

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amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. _____, effective _____.

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section 121.151 Penalties for Intentional Violations of the Program

- a) Persons found to have intentionally violated the Food Stamp program as set forth in Section 121.153(a) are disqualified for:
- 1) 6 months for the first violation;
 - 2) 12 months for the second violation; and
 - 3) permanently for the third violation; or
 - 4) as As specified by a court decision.
- b) If the person is currently participating in the Food Stamp Program, disqualification begins no later than the second fiscal month (defined at 89 Ill. Adm. Code 101.20) after the month of the decision. Once the period of disqualification is imposed, it continues regardless of the eligibility of the disqualified member's household. If the individual is currently participating in the Food Stamp Program, disqualification begins the first fiscal month (defined at 89 Ill. Adm. Code 101.20) following the date of the notice of the hearing decision. Once the period of disqualification is imposed, it continues regardless of the eligibility of the disqualified member's household.
- c) If the person is not participating in the Food Stamp Program, the disqualification begins the month after the month of the decision. If the individual is not participating at the time of the hearing decision, the disqualification is postponed until the individual is again determined eligible to receive Food Stamps.
- d) If the individual intentionally failed to report income, the earned income deduction is not applied to that portion of income the individual failed to report (not the entire amount of earned income) when calculating the overpayment amount.
- (Source: Amended at 20 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Proposed Action:
140.539 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: These proposed amendments are necessary to specify that reimbursement for costs associated with the clinical training of long term care nursing assistants and aides is made through the nursing assistant reimbursement process. An outdated reference to non-payment for clinical training that occurs in the facility of employment is being stricken. Under these outdated provisions, reimbursement for the cost of such clinical training was included in the reimbursement system as reported on the facility's annual cost reports. According to the Office of Health Finance, staffing and salary costs associated with clinical training are not included under the regular cost related reimbursement system and are therefore not included in the facility's Medicaid per diem. The costs associated with clinical training must be covered through the nursing assistant reimbursement process regardless of where the training occurs.

Other technical changes are being proposed to clarify that the Department provides coverage for the training of developmental disabilities aides, basic child care aides and habilitation aides, as well as nursing assistants.

These proposed amendments are not expected to result in any budgetary changes because the new provisions bring Section 140.539 into agreement with current Department reimbursement practices.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140.7	Amendment	August 25, 1995 (19 Ill. Reg. 12210)
140.9	Amendment	August 25, 1995 (19 Ill. Reg. 12210)
140.24	Amendment	February 9, 1996 (20 Ill. Reg. 2346)
140.55	New Section	January 26, 1996 (20 Ill. Reg. 1466)

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140.400	Amendment	February 9, 1996 (20 Ill. Reg. 2346)
140.435	Amendment	February 9, 1996 (20 Ill. Reg. 2346)
140.490	Amendment	December 8, 1995 (19 Ill. Reg. 16134)
140.491	Amendment	December 8, 1995 (19 Ill. Reg. 16134)
140.492	Amendment	December 8, 1995 (19 Ill. Reg. 16134)
140.493	New Section	December 8, 1995 (19 Ill. Reg. 16134)
140.523	Amendment	January 19, 1996 (20 Ill. Reg. 1146)
140.570	Amendment	December 22, 1995 (19 Ill. Reg. 16778)
140.642	Amendment	March 22, 1996 (20 Ill. Reg. 4531)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, Illinois 62762
Phone: (217)524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not for profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Long term care facilities

B) Reporting, bookkeeping or other procedures required for compliance:

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None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: January 1996

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

- Section
140.1 Incorporation By Reference
140.2 Medical Assistance Programs
140.3 Covered Services Under the Medical Assistance Programs for AFDC, AFDC-WANG, AABD, AABD-WANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Children Under Age Eight Who Do Not Qualify as Mandatory Categorically Needy and Disabled Persons Under Age 21 Who May Qualify for Medicaid and In-Home Care (Model Waiver)
140.4 Covered Medical Services Under AFDC-WANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5 Covered Medical Services Under GA
140.6 Medical Services Not Covered
140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.8 Medical Assistance For Qualified Severely Impaired Individuals
140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-WANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

- Section
140.11 Enrollment Conditions for Medical Providers
140.12 Participation Requirements for Medical Providers
140.13 Definitions
140.14 Denial of Application to Participate in the Medical Assistance Program
140.15 Recovery of Money
140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18 Effect of Termination on Individuals Associated with Vendor
140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20 Submittal of Claims
140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)

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- 140.22 Magnetic Tape Billings
140.23 Payment of Claims
140.24 Payment Procedures
140.25 Overpayment or Underpayment of Claims
140.26 Payment to Factors Prohibited
140.27 Assignment of Vendor Payments
140.28 Record Requirements for Medical Providers
140.29 Audits
140.31 Emergency Services Audits
140.32 Prohibition on Participation, and Special Permission for Participation
140.33 Publication of List of Terminated, Suspended or Barred Entities
140.35 False Reporting and Other Fraudulent Activities
140.40 Prior Approval for Medical Services or Items
140.41 Prior Approval in Cases of Emergency
140.42 Limitation on Prior Approval
140.43 Post Approval for Items or Services When Prior Approval Cannot Be Obtained
140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice
140.72 Voucher Advance Payment and Expedited Payments
140.73 Drug Manual (Recodified)
140.73 Drug Manual Updates (Recodified)
- SUBPART C: PROVIDER ASSESSMENTS
- Section
140.80 Hospital Provider Fund
140.82 Developmentally Disabled Care Provider Fund
140.84 Long Term Care Provider Fund
140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95 Hospital Services Trust Fund
140.96 General Requirements (Recodified)
140.97 Special Requirements (Recodified)
140.98 Covered Hospital Services (Recodified)
140.99 Hospital Services Not Covered (Recodified)
140.100 Limitation On Hospital Services (Recodified)
140.101 Transplants (Recodified)
140.102 Heart Transplants (Recodified)
140.103 Liver Transplants (Recodified)
140.104 Bone Marrow Transplants (Recodified)
140.110 Disproportionate Share Hospital Adjustments (Recodified)
140.116 Payment for Inpatient Services for GA (Recodified)
140.117 Hospital Outpatient and Clinic Services (Recodified)
140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203 Limits on Length of Stay by Diagnosis (Recodified)

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140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)

140.350 Copayments (Recodified)

140.360 Payment Methodology (Recodified)

140.361 Non-Participating Hospitals (Recodified)

140.362 Pre July 1, 1989 Services (Recodified)

140.363 Post June 30, 1989 Services (Recodified)

140.364 Prepayment Review (Recodified)

140.365 Base Year Costs (Recodified)

140.366 Restructuring Adjustment (Recodified)

140.367 Inflation Adjustment (Recodified)

140.368 Volume Adjustment (Repealed)

140.369 Groupings (Recodified)

140.370 Rate Calculation (Recodified)

140.371 Payment (Recodified)

140.372 Review Procedure (Recodified)

140.373 Utilization (Repealed)

140.374 Alternatives (Recodified)

140.375 Exemptions (Recodified)

140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)

140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)

140.391 Definitions (Recodified)

140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)

140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)

140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)

140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section

140.400 Payment to Practitioners, Nurses and Laboratories

140.410 Physicians' Services

140.411 Covered Services By Physicians

140.412 Services Not Covered By Physicians

140.413 Limitation on Physician Services

140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians

140.416 Optometric Services and Materials

140.417 Limitations on Optometric Services

140.418 Department of Corrections Laboratory

140.420 Dental Services

140.421 Limitations on Dental Services

140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists

140.425 Podiatry Services

140.426 Limitations on Podiatry Services

140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry

140.428 Chiropractic Services

140.429 Limitations on Chiropractic Services (Repealed)

140.430 Independent Laboratory Services

140.431 Services Not Covered by Independent Laboratory

140.432 Limitations on Independent Laboratory Services

140.433 Payment for Laboratory Services

140.434 Record Requirements for Independent Laboratories

140.435 Nurse Services

140.436 Limitations on Nurse Services

140.440 Pharmacy Services

140.441 Pharmacy Services Not Covered

140.442 Prior Approval of Prescriptions

140.443 Filling of Prescriptions

140.444 Compounded Prescriptions

140.445 Legend Prescription Items (Not Compounded)

140.446 Over-the-Counter Items

140.447 Reimbursement

140.448 Returned Pharmacy Items

140.449 Payment of Pharmacy Items

140.450 Record Requirements for Pharmacies

140.452 Mental Health Clinic Services

140.453 Definitions

140.454 Types of Mental Health Clinic Services

140.455 Payment for Mental Health Clinic Services

140.456 Hearings

140.457 Therapy Services

140.458 Prior Approval for Therapy Services

140.459 Payment for Therapy Services

140.460 Clinic Services

140.461 Clinic Participation, Data and Certification Requirements

140.462 Covered Services in Clinics

140.463 Clinic Service Payment

140.464 Healthy Moms/Healthy Kids Managed Care Clinics (Repealed)

140.465 Speech and Hearing Clinics (Repealed)

140.466 Rural Health Clinics

140.467 Independent Clinics

140.469 Hospice

140.470 Home Health Services

140.471 Home Health Covered Services

140.472 Types of Home Health Services

140.473 Prior Approval for Home Health Services

140.474 Payment for Home Health Services

140.475 Medical Equipment, Supplies and Prosthetic Devices

140.476 Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made

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140.477 Limitations on Equipment, Supplies and Prosthetic Devices
 140.478 Prior Approval for Medical Equipment, Supplies and Prosthetic Devices
 140.479 Limitations, Medical Supplies
 140.480 Equipment Rental Limitations
 140.481 Payment for Medical Equipment, Supplies and Prosthetic Devices
 140.482 Family Planning Services
 140.483 Limitations on Family Planning Services
 140.484 Payment for Family Planning Services
 140.485 Healthy Kids Program
 140.486 Limitations on Medichex Services (Repealed)
 140.487 Healthy Kids Program Timeliness Standards
 140.488 Periodicity Schedule, Immunizations and Diagnostic Laboratory Procedures
 140.490 Medical Transportation
 140.491 Limitations on Medical Transportation
 140.492 Payment for Medical Transportation
 140.495 Psychological Services
 140.496 Payment for Psychological Services
 140.497 Hearing Aids

SUBPART E: GROUP CARE

Section
 140.500 Long Term Care Services
 140.502 Cessation of Payment at Federal Direction
 140.503 Cessation of Payment for Improper Level of Care
 140.504 Cessation of Payment Because of Termination of Facility
 140.505 Continuation of Payment Because of Threat To Life (Repealed)
 140.506 Provider Voluntary Withdrawal
 140.507 Continuation of Provider Agreement
 140.510 Determination of Need for Group Care
 140.511 Long Term Care Services Covered by Department Payment
 140.512 Utilization Control
 140.513 Utilization Review Plan (Repealed)
 140.514 Certifications and Recertifications of Care
 140.515 Management of Recipient Funds--Personal Allowance Funds
 140.516 Recipient Management of Funds
 140.517 Correspondent Management of Funds
 140.518 Facility Management of Funds
 140.519 Use or Accumulation of Funds
 140.520 Management of Recipient Funds--Local Office Responsibility
 140.521 Room and Board Accounts
 140.522 Reconciliation of Recipient Funds
 140.523 Bed Reserves
 140.524 Cessation of Payment Due to Loss of License
 140.525 Quality Incentive Program (QUIP) Payment Levels
 140.526 Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)

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140.527 Quality Incentive Survey (Repealed)
 140.528 Payment of Quality Incentive (Repealed)
 140.529 Reviews (Repealed)
 140.530 Basis of Payment for Long Term Care Services
 140.531 General Service Costs
 140.532 Health Care Costs
 140.533 General Administration Costs
 140.534 Ownership Costs
 140.535 Costs for Interest, Taxes and Rent
 140.536 Organization and Pre-Operating Costs
 140.537 Payments to Related Organizations
 140.538 Special Costs
 140.539 Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide ~~Nurses--Aide~~
 Training and Nursing Assistant Competency Evaluation ~~Testing~~
 Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
 140.540 Salaries Paid to Owners or Related Parties
 140.541 Cost Reports-Filing Requirements
 140.542 Time Standards for Filing Cost Reports
 140.543 Access to Cost Reports (Repealed)
 140.544 Penalty for Failure to File Cost Reports
 140.550 Update of Operating Costs
 140.551 General Service Costs
 140.552 Nursing and Program Costs
 140.553 General Administrative Costs
 140.554 Component Inflation Index
 140.555 Minimum Wage
 140.560 Components of the Base Rate Determination
 140.561 Support Costs Components
 140.562 Nursing Costs
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 140.566 Out-of-State Placement
 140.567 Level II Incentive Payments (Repealed)
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 140.569 Clients With Exceptional Care Needs
 140.570 Capital Rate Component Determination
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 140.572 Total Capital Rate
 140.573 Other Capital Provisions
 140.574 Capital Rates for Rented Facilities
 140.575 Newly Constructed Facilities (Repealed)
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 140.578 Property Taxes
 140.579 Specialized Living Centers
 140.580 Mandated Capital Improvements (Repealed)

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140.581 Qualifying as Mandated Capital Improvement (Repealed)
 140.582 Cost Adjustments
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 140.642 Screening Assessment for Long Term Care and Alternative Residential Settings and Services
 140.643 In-Home Care Program
 140.645 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
 140.646 Reimbursement for Developmental Training (DT) Services for Individuals with Developmental Disabilities Who Reside in Long Term Care (ICF AND SNF) and Residential (ICF/MR) Facilities
 140.647 Description of Developmental Training (DT) Services
 140.648 Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
 140.649 Effective Dates of Reimbursement for Developmental Training (DT) Programs
 140.650 Certification of Developmental Training (DT) Programs
 140.651 Decertification of Day Programs
 140.652 Terms of Assurances and Contracts
 140.680 Effective Date Of Payment Rate
 140.700 Discharge of Long Term Care Residents
 140.830 Appeals of Rate Determinations
 140.835 Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: MEDICAID PARTNERSHIP PROGRAM

Section
 140.850 General Description (Repealed)
 140.855 Definition of Terms (Repealed)
 140.860 Covered Services (Repealed)
 140.865 Sponsor Qualifications (Repealed)
 140.870 Sponsor Responsibilities (Repealed)
 140.875 Department Responsibilities (Repealed)
 140.880 Provider Qualifications (Repealed)
 140.885 Provider Responsibilities (Repealed)
 140.890 Payment Methodology (Repealed)
 140.895 Contract Monitoring (Repealed)
 140.896 Reimbursement For Program Costs (Active Treatment) For Clients In Long Term Care Facilities For the Developmentally Disabled (Recodified)

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section
 140.900 Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)

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140.901 Functional Areas of Needs (Recodified)
 140.902 Service Needs (Recodified)
 140.903 Definitions (Recodified)
 140.904 Times and Staff Levels (Repealed)
 140.905 Statewide Rates (Repealed)
 140.906 Reconsiderations (Recodified)
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 140.908 Times and Staff Levels (Recodified)
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 140.910 Referrals (Recodified)
 140.911 Basic Rehabilitation Aide Training Program (Recodified)
 140.912 Interim Nursing Rates (Recodified)
 140.920 General Description
 140.922 Covered Services
 140.924 Maternal and Child Health Provider Participation Requirements
 140.926 Client Eligibility (Repealed)
 140.928 Client Enrollment and Program Components (Repealed)
 140.930 Reimbursement
 140.932 Payment Authorization for Referrals (Repealed)

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section
 140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
 140.942 Definition of Terms (Recodified)
 140.944 Notification of Negotiations (Recodified)
 140.946 Hospital Participation in ICARE Program Negotiations (Recodified)
 140.948 Negotiation Procedures (Recodified)
 140.950 Factors Considered in Awarding ICARE Contracts (Recodified)
 140.952 Closing an ICARE Area (Recodified)
 140.954 Administrative Review (Recodified)
 140.956 Payments to Contracting Hospitals (Recodified)
 140.958 Admitting and Clinical Privileges (Recodified)
 140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
 140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
 140.964 Contract Monitoring (Recodified)
 140.966 Transfer of Recipients (Recodified)
 140.968 Validity of Contracts (Recodified)
 140.970 Termination of ICARE Contracts (Recodified)
 140.972 Hospital Services Procurement Advisory Board (Recodified)
 140.980 Elimination Of Aid To The Medically Indigent (AMI) Program (Emergency Expired)

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140-980 Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married and Living With Spouse, Regardless Of Age (Emergency Expired)

TABLE A	Medichex Recommended Screening Procedures (Repealed)
TABLE B	Health Service Areas
TABLE C	Capital Cost Areas
TABLE D	Schedule of Dental Procedures
TABLE E	Time Limits for Processing of Prior Approval Requests
TABLE F	Podiatry Service Schedule
TABLE G	Travel Distance Standards
TABLE H	Areas of Major Life Activity
TABLE I	Staff Time and Allocation for Training Programs (Recodified)
TABLE J	HSA Grouping (Repealed)
TABLE K	Services Qualifying for 10% Add-On (Repealed)
TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
TABLE M	Enhanced Rates for Maternal and Child Health Provider Services

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6993, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with

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no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9159, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October

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27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.914 thru 140.916 I recodified to 89 Ill. Reg. 147.5 thru 147.205 and 147.207 thru 147.210, effective March 22, 1988; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Reg. 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Reg. 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Reg. 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Reg. 12118; amended at 13 Ill. Reg. 12188; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June

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19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5,

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1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 17, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. _____, effective _____.

SUBPART E: GROUP CARE

Section 140.539 Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Nurse's-Aide Training and Nursing Assistant Competency Evaluation Testing

a) Nurse's-Aide Training Reimbursement

- 1) Long term care facilities Nursing-homes shall be reimbursed for the reasonable costs of assistant/aide nurse's-aide training. Upon the individual's aide's successful completion of a course which has been approved by the Department of Public Health (77 Ill. Adm. Code 395.300), the facility nursing--home may claim reimbursement for the following costs, provided that they are

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actually incurred:

- A) tuition, up to the prevailing community college rate in the health service area for a six credit hour course;
- B) instructional materials, up to \$25.00; and
- C) salary and fringe benefits⁷ (fringe benefits are payroll taxes, unemployment insurance⁷ and worker's compensation, and health insurance and meals if provided) up to the prevailing entry level for the health service area.

2) Payment will not be made under this Section for salary expenses during the clinical training if the clinical training is in the facility of employment--these staffing--and--salary--costs--are included under the regular cost-related reimbursement system as reported on the facilities--annual--cost--reports--and--are reimbursed through the monthly payments to the facilities.

2)3) The Department will reimburse for actual approved hours up to 130 hours.

3)4) Facilities Nursing-homes shall also receive an additional factor of five percent 5% of the total claim to recognize costs for those who do not successfully complete the course.

4)5) The Department shall reimburse on a pro rata basis according to the percentage of Medicaid residents Public-Aid-patients in the facility at the time the request for reimbursement is submitted to the Department nursing-home.

5)6) No individual nurse's-aide who is employed by, or who has received an offer of employment from, a facility on the date on which the individual aide begins a Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care/Habilitation Aide nurse--aide training program and--competency--evaluation program may be charged for any portion of the program (including any fees for textbooks or other required course materials).

b) Basic Nursing Assistant Competency Evaluation Nurse's-Aide-Testing

- 1) Nursing facilities homes shall be reimbursed for the reasonable costs for basic nursing assistant competency evaluations nurse's aide--testing. Only evaluations tests approved by the Department of Public Health are reimbursable (77 Ill. Adm. Code 395.300). The facility nursing-home may claim reimbursement for the cost of each approved competency evaluation test successfully completed with a passing grade (77 Ill. Adm. Code 395.400(9)).

- 2) Payment will not be made under this Section for costs incurred in administering tests not approved by the Department of Public Health, or for any additional tests administered by the facility nursing-home during or subsequent to basic nursing assistant nurse's-aide training.

- 3) Payment will be made for all competency evaluation tests successfully completed with a passing grade after October 1, 1989.

- 4) The maximum reimbursable cost per competency evaluations test successfully completed with a passing grade is the current fee

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charged by the Department of Public Health approved evaluation testing service. The Department will reimburse on a pro rata basis according to the percentage of Medicaid residents Public Aid-patients in the facility at the time the request for reimbursement is submitted to the Department nursing-home. The Department will not pay any other costs associated with the evaluation testing process.

- 5) Written proof (individual evaluation test results) must be submitted by the facility nursing-home for each competency test for which reimbursement is claimed.
- 6) No payment will be made for any competency evaluation test in which a failing grade (77 Ill. Adm. Code 395.400(g)) is received for any part of the evaluation test. An individual A-nurse-s-aide must pass both the demonstration of manual skills and written components portions of the evaluation test before reimbursement may be claimed.
- 7) Facilities Nursing-homes shall receive an additional factor of five percent 5% of the total claim to recognize costs for those who do not successfully pass the evaluation test.
- 8) No individual nurse-s-aide who is employed by, or who has received an offer of employment from, a facility on the date on which the individual aide begins a basic nursing assistant nurse-s-aide--training--and competency evaluation program may be charged for any portion of the program (including any fees for textbooks or other required course materials).

(Source: Amended at 20 Ill. Reg. _____, effective _____.)

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- 1) Heading of the Part: Refugee/Entrant/Repatriate Program
- 2) Code Citation: 89 Ill. Adm. Code 115
- 3) Section Number: Proposed Action:
115.50 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and 45 CFR Ch. II.
- 5) Complete Description of the Subjects and Issues Involved: Pursuant to federal regulations at 45 CFR Ch. II, these proposed amendments make the following changes in the Repatriate Program:

1. Adds "child or children only" cases to the list of persons who may be eligible under the program;
2. Deletes the term "insanity" from the list of eligible reasons for return to the United States from a foreign country by the U. S. Department of State; and
3. Adds the terms "war" and "invasion" to the list of eligible reasons for return to the United States from a foreign country by the U. S. Department of State.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, Illinois 62762
Phone: (217) 524-3215

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The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 115

REFUGEE/ENTRANT/REPATRIATE PROGRAM

Section

- 115.1 Incorporation By Reference
115.10 General Provisions
115.20 The Cuban Phasedown Program (Repealed)
115.30 The Refugee Resettlement Program
115.32 Refugee Resettlement Program: Application for Assistance
115.33 Refugee Resettlement Program: Furnishing of Social Security Numbers (SSN)
115.34 Refugee Resettlement Program: Work Registration/Participation Requirements
115.36 Refugee Resettlement Program: Individuals Exempt From Mandatory Work Registration/Participation Requirements
115.37 Refugee Resettlement Program: Counseling (Repealed)
115.38 Refugee Resettlement Program: Sanctions For Failure to Cooperate With Work Requirements
115.39 Refugee Resettlement Program: Good Cause For Failure to Cooperate
115.40 The Cuban/Haitian/Entrant (Status Pending) Program
115.50 The Repatriate Program
115.60 Special Provisions Relating to Parolees

AUTHORITY: Implementing and authorized by Sections 12-4.5, 12-4.6 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.5, 12-4.6 and 12-13].

SOURCE: Filed and effective December 30, 1977; emergency amendment at 2 Ill. Reg. 28, p. 2, effective June 1, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 48, p. 60, effective November 25, 1978; amended at 5 Ill. Reg. 2786, effective March 3, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 6 Ill. Reg. 11921, effective September 21, 1982; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 16109, effective November 22, 1983; amended at 8 Ill. Reg. 6804, effective May 3, 1984; amended at 9 Ill. Reg. 2296, effective February 5, 1985; amended at 13 Ill. Reg. 3932, effective March 10, 1989; amended at 13 Ill. Reg. 13631, effective August 14, 1989; amended at 14 Ill. Reg. 773, effective January 1, 1990; amended at 14 Ill. Reg. 10438, effective June 20, 1990; amended at 16 Ill. Reg. 10291, effective June 19, 1992; amended at 18 Ill. Reg. 17671, effective November 30, 1994; amended at 20 Ill. Reg. _____, effective _____.

Section 115.50 The Repatriate Program

- a) The Repatriate Programs provide for the authorization of assistance (financial and medical) for eligible needy U.S. citizens and their

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dependents who have been returned to the U.S. from a foreign country by the U.S. Department of State, because of destitution, illness, war, ~~insanity~~ threat of war, invasion or other crisis.

- b) To be eligible for assistance under the Repatriate Program, an individual or family must have been referred to the Department by U.S. Department of Health and Human Services. The local office is responsible for determination of financial eligibility.

- c) Assistance shall be authorized on the basis of the AFDC Payment level. The following case compositions define the level of issuance:

- 1) single adult ~~Single-Adult~~ (age 18 or older ~~order~~);
- 2) families ~~Families~~ of adults;
- 3) adult or adults with child or children; or ~~Adults~~ ~~with~~ ~~children~~;

4) child or children only.

- d) Resources to be considered in all situations are those immediately available for use at the time financial assistance is needed. Available resources are to be considered when they are in existence, the value is ascertainable, they are under the control of the recipient, and can be drawn upon for maintenance.

- e) Assistance may not ordinarily be furnished for more than 90 days. If an individual is handicapped in attaining self-support for such reasons as age, disability, or lack of vocational preparation, authorization of a maximum of nine months additional assistance may be requested from the Department of Health and Human Services. The person requesting assistance is expected to repay the amount of the assistance when financially able to do so. Case records and case recordings shall be maintained.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

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- 1) Heading of the Part: Retailers' Occupation Tax

- 2) Code Citation: 86 Ill. Adm. Code 130

- 3) Section Numbers: Proposed Action:
130.1952 New

- 4) Statutory Authority: 20 ILCS 2505/39b19

- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements provisions of Public Act 89-89 concerning sales of building materials to a high impact business. Public Act 89-89 provides, in part, that effective January 1, 1995, sales of building materials that will be incorporated into a high impact business location are exempt from Retailers' Occupation Tax. It also provides that effective June 30, 1995, such sales are also exempt from local taxes.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this rulemaking contain incorporations by reference? No

- 9) Are there any other proposed rulemakings pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
130.120	Amendment	10/20/95, 19 Ill. Reg. 14752
130.310	Amendment	03/29/96, 20 Ill. Reg. 5047

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State Mandate, nor does it modify any existing State Mandates.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Gina Roccaforte
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6996

- 12) Initial Regulatory Flexibility Analysis:

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A) Types of small businesses, small municipalities and not for profit corporations affected: Retailers of building materials that will be incorporated in a high impact business location as designated by the Department of Commerce and Community Affairs under Section 5.5 of the Illinois Enterprise Zone Act.

B) Reporting, bookkeeping or other procedures required for compliance: Minimal; certification

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The Department has been unable to publish a Regulatory Agenda since July 1995. Since this rulemaking implemented PA 89-89, it was not included in that Regulatory Agenda.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 130
RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section	Character and Rate of Tax
130.101	Responsibility of Trustees, Receivers, Executors or Administrators
130.105	Occasional Sales
130.110	Sale of Used Motor Vehicles by Leasing or Rental Business
130.111	Habitual Sales
130.115	Nontaxable Transactions
130.120	

SUBPART B: SALE AT RETAIL

Section	The Test of a Sale at Retail
130.201	Sales for Transfer Incident to Service
130.205	Sales of Tangible Personal Property to Purchasers for Resale
130.210	Further Illustrations
130.215	Sales to Lessors of Tangible Personal Property
130.220	

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section	
130.305	Farm Machinery and Equipment
130.310	Food, Drugs, Medicines and Medical Appliances
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130.410	Cost of Doing Business Not Deductible

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130.415 Transportation and Delivery Charges
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 130.425 Traded-In Property
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 130.435 State and Local Taxes Other Than Retailers' Occupation Tax
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 130.505 Returns and How to Prepare
 130.510 Annual Tax Returns
 130.515 First Return
 130.520 Final Returns When Business is Discontinued
 130.525 Who May Sign Returns
 130.530 Returns Covering More Than One Location Under Same Registration--Separate Returns for Separately Registered Locations
 130.535 Payment of the Tax, Including Quarter Monthly Payments in Certain Instances
 130.540 Returns on a Transaction by Transaction Basis
 130.545 Registrants Must File a Return for Every Return Period
 130.550 Filing of Returns for Retailers by Suppliers Under Certain Circumstances
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 130.601 Preliminary Comments
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 130.701 General Information on Obtaining a Certificate of Registration
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 130.710 Procedure When Security Must be Forfeited
 130.715 Sub-Certificates of Registration
 130.720 Separate Registrations for Different Places of Business of Same

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 Display
 Replacement of Certificate
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SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

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SUBPART R: POWER OF ATTORNEY

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130.1915 Stamps and Like Articles
130.1920 Auctioneers and Agents
130.1925 Barbers and Beauty Shop Operators
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130.1945 Construction Contractors and Real Estate Developers
130.1950 Co-operative Associations
130.1951 Dentists
130.1955 Enterprise Zones
130.1952 Sales of Building Materials to a High Impact Business
130.1955 Farm Chemicals
130.1960 Finance Companies and Other Lending Agencies - Installment Contracts
- Repossessions
130.1965 Florists and Nurserymen
130.1970 Hatcheries
130.1975 Operators of Games of Chance and Their Suppliers
130.1980 Optometrists and Opticians
130.1985 Pawnbrokers
130.1990 Peddlers, Hawkers and Itinerant Vendors
130.1995 Personalizing Tangible Personal Property
130.2000 Persons Engaged in the Printing, Graphic Arts or Related
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130.2006 Sales by Teacher-Sponsored Student Organizations
130.2007 Exemption Identification Numbers
130.2008 Sales by Nonprofit Service Enterprises
130.2010 Persons Who Rent or Lease the Use of Tangible Personal Property to
Others
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130.2020 Physicians and Surgeons
130.2025 Picture-Framers
130.2030 Public Amusement Places
130.2035 Registered Pharmacists and Druggists
130.2040 Retailers of Clothing
130.2045 Retailers on Premises of the Illinois State Fair, County Fairs, Art
Shows, Flea Markets and the Like
130.2050 Sales and Gifts By Employers to Employees
130.2055 Sales by Governmental Bodies
130.2060 Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
130.2065 Sales of Automobiles for Use In Demonstration
130.2070 Sales of Containers, Wrapping and Packing Materials and Related
Products
130.2075 Sales To Construction Contractors, Real Estate Developers and
Speculative Builders
130.2080 Sales to Governmental Bodies, Foreign Diplomats and Consular
Personnel

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130.2085 Sales to or by Banks, Savings and Loan Associations and Credit Unions

130.2090 Sales to Railroad Companies

130.2095 Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles

130.2100 Sellers of Feeds and Breeding Livestock

130.2105 Sellers of Newspapers, Magazines, Books, Sheet Music and Phonograph Records and Their Suppliers

130.2110 Sellers of Seeds and Fertilizer

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130.2120 Suppliers of Persons Engaged in Service Occupations and Professions

130.2125 Trading Stamps and Discount Coupons

130.2130 Undertakers and Funeral Directors

130.2135 Vending Machines

130.2140 Vendors of Curtains, Slip Covers, Floor Covering and Other Similar Items Made to Order

130.2145 Vendors of Meals

130.2150 Vendors of Memorial Stones and Monuments

130.2155 Vendors of Signs

130.2156 Vendors of Steam

130.2160 Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.

130.2165 Veterinarians

130.2170 Warehousemen

ILLUSTRATION A: Examples of Tax Exemption Cards

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 39b3 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b3].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11

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Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4419, effective March 4, 1996; amended at 20 Ill. Reg. _____, effective _____.

SUBPART S: SPECIFIC APPLICATIONS

Section 130.1952 Sales of Building Materials to a High Impact Business

- a) On and after January 1, 1986, and prior to January 1, 1995, a retailer who makes a sale of building materials to a High Impact Business ("HIB") may file claims for credit or refund to recover the amount of tax paid under the Retailers' Occupation Tax Act. (Section 51 of the Act)
- b) Effective January 1, 1995, a deduction from only the 6.25% rate for the Illinois Retailers' Occupation Tax liability exists for gross receipts from retail sales of building materials that will be incorporated into a HIB location as designated by the Department of Commerce and Community Affairs under Section 5.5 of the Illinois Enterprise Zone Act. (Section 51 of the Act) Effective June 30, 1995, a retailer may also deduct receipts from such sales when calculating any applicable local taxes. Until June 30, 1995, a retailer may file claims for credit or refund as discussed in subsection (a) to recover the amount of any applicable local tax paid on such sales.
- c) A retailer claiming the deduction must have among its books and records a written statement signed by the purchaser setting out facts which establish the deduction. This purchaser's statement must contain the following information:

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- 1) a certification by the purchaser that the building materials being purchased are being purchased for incorporation into a HIB location;
- 2) a description of the building materials being purchased (this may be done by a cross reference to the retailer's invoice number);
- 3) the name of the HIB location into which the building materials will be incorporated and, if applicable, the street address of the real estate; and
- 4) the purchaser's signature and date of signing.

d) In order to qualify for the deduction, the materials being purchased must be building materials. That is, they must be purchased for physical incorporation into a HIB location. For example, gross receipts from sales of the following can qualify for the deduction:

- 1) common building materials such as lumber, bricks, cement, windows, doors, insulation, roofing materials and sheet metal;
- 2) plumbing systems and components thereof such as bathtubs, lavatories, sinks, faucets, garbage disposals, water pumps, water heaters, water softeners and water pipes;
- 3) heating systems and components thereof such as furnaces, ductwork, vents, stokers, boilers, heating pipes and radiators;
- 4) electrical systems and components thereof such as wiring, outlets and light fixtures which are physically incorporated into the HIB location;
- 5) central air conditioning systems, ventilation systems and components thereof which are physically incorporated into the HIB location;
- 6) built-in cabinets and other woodwork which is physically incorporated into the HIB location;
- 7) built-in appliances such as refrigerators, stoves, ovens and trash compactors which are physically incorporated into the HIB location;
- 8) floor coverings such as tile, linoleum and carpeting which is glued or otherwise permanently affixed to the HIB location (tacking is not considered to be physical incorporation);
- 9) landscape products such as trees, shrubs, topsoil and sod which are physically incorporated (i.e., transplanted) into the HIB location.

e) Items that are not physically incorporated into a HIB location cannot qualify for the deduction. For example, gross receipts from sales of the following do not qualify for the deduction:

- 1) tools, machinery, equipment, fuel, forms and other items which may be used by a construction contractor at a HIB location, but which are not physically incorporated into the HIB location;
- 2) free-standing appliances such as stoves, ovens, refrigerators, washing machines, portable ventilation units, window air conditioning units, lamps, clothes washers, clothes dryers, trash compactors and dishwashers which may be connected to and operate from a building's electrical or plumbing system but which do not

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- 3) become a component of those systems; tacked-down carpeting and other floor coverings which are not physically incorporated into the HIB location.

(Source: Added at 20 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Certificates of Title, Registration of Vehicles
- 2) Code Citation: 92 Ill. Adm. Code. 1010
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1010.115	New
1010.125	New
1010.190	New
- 4) Statutory Authority: Implementing Chapter 5 and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 5 and 2-104(b)]
- 5) A Complete Description of the Subjects and Issues Involved:
- 1010.115 - Provides for method by which insurance companies or persons licensed in Illinois may obtain an unbranded title for vehicles which had been issued Salvage title.
- 1010.125 - Provides for method by which persons licensed in Illinois may obtain an unbranded title for vehicles which had been issued Rebuilt title.
- 1010.190 - Provides means and form by which a seller will disclose status of Rebuilt vehicle.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other amendments pending on this part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking. Written comments may be submitted within 45 days to:

Robert S. Powers
Assistant Counsel
Secretary of State's Office
298 Howlett Building
Springfield, IL 62756
217/785-3094

- 12) Initial Regulatory Flexibility Analysis: After careful consideration, the

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Secretary of State does not believe this proposed rulemaking will affect any types of small business and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1995

The full text of the proposed rules begins on the next page:

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NOTICE OF PROPOSED AMENDMENT(S)

TITLE 92: TRANSPORTATION

CHAPTER II: SECRETARY OF STATE

PART 1010

CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

SUBPART A: DEFINITIONS

Section
1010.110
1010.20

Owner--Application of Term
Secretary and Department

SUBPART B: TITLES

Section
1010.110

Salvage Certificate--Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate
Salvage Certificate--Total Loss from Theft
Salvage Certificate--Assignments and Reassignments
Obtaining Certificate of Title from Certificate of Purchase by which Process the Certificate of Title will not have 'REBUILT' Notation

1010.130
1010.140

Exclusiveness of Lien on Certificate of Title
Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards
Transferring Certificates of Title Upon the Owner's Death

1010.150
1010.160
1010.170
1010.190

Repossession of Vehicles by Lienholders and Creditors
Junking Notification
Rebuilt Vehicle Disclosure

SUBPART C: REGISTRATION

Section
1010.210
1010.220
1010.230
1010.240
1010.250

Application for Registration
Vehicles Subject to Registration--Exceptions
Refusing Registration or Certificate of Title
Registration Plates To Be Furnished By The Secretary of State
Applications For Reassignment

SUBPART D: REVOCATION, SUSPENSION AND CANCELLATION OF REGISTRATION

Section
1010.300

Operation of Vehicle after Cancellation, Suspension, or Revocation of any Registration

1010.310
1010.320

Improper Use of Evidences of Registration
Suspension, Cancellation or Revocation of Illinois Registration Plates and Cards and Titles

1010.330

Operation of Vehicle Without Proper Illinois Registration

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1010.350
1010.360

Suspension or Revocation
Surrender of Plates, Decals or Cards

SUBPART E: SPECIAL PERMITS AND PLATES

Section
1010.410
1010.420
1010.425
1010.426
1010.430

Temporary Registration--Individual Transactions
Temporary Permit Pending Registration in Illinois
Non-Resident Drive-Away Permits
Five Day Permits
Registration Plates for Motor Vehicles Used for Transportation of Persons for Compensation and Tow Trucks

1010.440

Title and Registration of Vehicles with Permanently Mounted Equipment

1010.450
1010.451

Special Plates
Purple Heart License Plates

1010.452
1010.453

Special Event License Plates
Retired Armed Forces Licenses Plates

1010.454
1010.455

Gold Star License Plates
Collectible License Plates

1010.456
1010.457

Sample License Plates For Motion Picture and Television Studios
Korean War Veteran License Plates

1010.460

Special Plates for Members of the United States Armed Forces Reserves

1010.470
1010.480

Dealer Plate Records
State of Illinois In-Transit Plates

SUBPART F: FEES

Section
1010.510
1010.520
1010.530
1010.540

Determination of Registration Fees
When Fees Returnable
Circuit Breaker Registration Discount
Maximum Fees for Distribution of Motor Vehicle Renewal Plates and/or Stickers

SUBPART G: MISCELLANEOUS

Section
1010.610
1010.620

Unlawful Acts, Fines and Penalties
Change of Engine

SUBPART H: SECOND DIVISION VEHICLES

Section
1010.705
1010.710
1010.715

Reciprocity
Vehicle Proration
Proration Fees

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1010.720 Vehicle Apportionment
 1010.725 Trip Leasing
 1010.730 Intrastate Movements, Foreign Vehicles
 1010.735 Interline Movements
 1010.740 Trip and Short-term Permits
 1010.745 Signal 30 Permit for Foreign Registration Vehicles (Repealed)
 1010.750 Signal 30-Year-round for Prorated Fleets of Leased Vehicles (Repealed)

1010.755 Mileage Tax Plates
 1010.756 Suspension or Revocation of Illinois Mileage Weight Tax Plates
 1010.760 Transfer for "For-Hire" Loads
 1010.765 Suspension or Revocation of Exemptions as to Foreign Registered Vehicles
 1010.770 Required Documents for Trucks and Buses to detect "intrastate" movements
 1010.775 Certificate of Safety

APPENDIX A Uniform Vehicle Registration Proration and Reciprocity Agreement
 APPENDIX B International Registration Plan

AUTHORITY: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 3 and 2-104(b)].

SOURCE: Filed and effective December 15, 1970; emergency amendment at 2 Ill. Reg. 25, p. 119, effective June 14, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency amendment at 4 Ill. Reg. 21, p. 99, effective May 14, 1980, for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at 13 Ill. Reg. 1598, effective February 1, 1989; amended at 13 Ill. Reg. 5173, effective April 1, 1989; amended at 13 Ill. Reg. 7965, effective May 15, 1989; amended at 13 Ill. Reg. 15102, effective September 15, 1989; amended at 14 Ill. Reg. 4560, effective March 1, 1990; amended at 14 Ill. Reg. 6848, effective April 18, 1990; amended at 14 Ill. Reg. 9492, effective June 1, 1990; amended at 14 Ill. Reg. 19066, effective November 15, 1990; amended at 15 Ill. Reg. 12782,

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effective August 15, 1991; amended at 16 Ill. Reg. 12587, effective August 1, 1992; amended at 19 Ill. Reg. 11947, effective August 1, 1995; amended at 19 Ill. Reg. 16289, effective November 27, 1995; amended at 20 Ill. Reg. _____, effective _____.

SUBPART B: TITLES

Section 1010.115 Salvage Certificate-Total Loss from Theft

Insurance companies or persons licensed under Section 5-301 of the Act to whom a Salvage Certificate has been issued for a vehicle as a result of theft which has been recovered with no structural damage, missing essential parts, excluding wheels, radio, seat or peeled steering column, or damage from fire or flood, may obtain an unbranded title upon submission of the following items to the Department of Vehicles' Title Division:

- Salvage Certificate
- Letter from the insurance company affirming the total loss was from theft
- Affirmation of Salvage properly completed. Form provided by the Salvage Vehicle Inspection Station (SVIS) or Department of Vehicle Services
- Recovery Condition Report from a law enforcement agency
- Application for Title
- Appropriate fees

(Source: Added at 20 Ill. Reg. _____, effective _____.)

Section 1010.125 Obtaining Certificate of Title from Certificate of Purchase by which Process the Certificate of Title will not have 'REBUILT' Notation

Persons licensed under Section 5-301 of the Act may obtain a Certificate of Title from a Certificate of Purchase which does not bear the notation 'REBUILT' by adhering to the following conditions and procedures:

- Requirements:
 - Certificate of Purchase must be in the name of the title applicant.
 - The vehicle cannot be damaged in excess of 25 percent of its fair market value at the time of application.
 - The vehicle cannot have suffered any structural damage.
 - The vehicle cannot have a history of salvage.
 - The vehicle must undergo a Safety Inspection by the Illinois Department of Transportation (IDOT).
 - The vehicle must undergo an inspection at the Secretary of State's SVIS.
- Documents required for SVIS:
 - Application for Title
 - Certificate of Purchase

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- 3) Affirmation Supporting Certificate of Purchase
 A) This form must be completed showing essential parts replaced on the vehicle, if any.
 B) Copies of this required form will be made available at the SVIS upon request.
- 4) Safety Inspection Certificate from IDOT
- 5) Appropriate fees for the inspection
- c) The following documents will be submitted by SVIS to the Department of Vehicle Services' Title Division:
- 1) Application for Title
 - 2) Certificate of Purchase
 - 3) Safety Inspection Certificate
 - 4) Affirmation Supporting Certificate of Purchase
 - 5) SVIS Inspection Report
 - 6) Appropriate fees provided by the applicant

(Source: Added at 20 Ill. Reg. _____, effective _____)

Section 1010.190 Rebuilt Vehicle Disclosure

- a) No person shall sell a vehicle for which a rebuilt title has been issued unless that vehicle is accompanied by a Disclosure of Rebuilt Vehicle Status form properly signed and delivered to the buyer. The minimum information contained on the Disclosure of Rebuilt Vehicle Status form shall be:
- 1) Seller's name and address
 - 2) Buyer's name and address
 - 3) Vehicle information consisting of year, make, model, and vehicle identification number
 - 4) Signature of purchaser and date of purchase
 - 5) Signature of seller and date of sale
- b) The Disclosure of Rebuilt Vehicle Status form must be signed by the licensee and the purchaser prior to consummation of the sale. A copy of the form must be retained by the dealer along with other records required to be kept by dealers under Section 5-401.2 of the Act.

(Source: Added at 20 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED RULE(S)

- 1) Heading of the Part: Dealers, Wreckers, Transporters and Rebuilders
- 2) Code Citation: 92 Ill. Adm. Code. 1020
- 3) Section Numbers: 1020.30
Proposed Action: New
- 4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Code [625 ILCS 5/2-104(b)]
- 5) A Complete Description of the Subjects and Issues Involved: Provide for a process to allow removal of dash assemblies with Vehicle Identification Plate attached without a violation of 625 ILCS 5/4-103(a)(2), (a)(3) or (a)(5).
- 6) Will this proposed rule replace an emergency rule currently in effect?
 No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other amendments pending on this part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking. Written comments may be submitted within 45 days to:
 Robert E. Powers
 Assistant Counsel
 Secretary of State's Office
 298 Howlett
 Springfield, IL 62756
 217/785-3094
- 12) Initial Regulatory Flexibility Analysis:
 After careful consideration, the Secretary of State does not believe this proposed rulemaking will affect any types of small business and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.
- 13) Regulatory Agenda on which this rulemaking was summarized: July 1995

The full text of the proposed rules begins on the next page:

SECRETARY OF STATE

NOTICE OF PROPOSED RULE(S)

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1020

DEALERS, WRECKERS, TRANSPORTERS AND REBUILDERS

- Section
1020.10 Dealers Established Place of Business
1020.20 Required Records for Automotive Parts Recyclers, Rebuilders, New Vehicle Dealers, Used Vehicle Dealers, Repairers and Out-of-State Salvage Vehicle Buyers
1020.30 Records Required Upon Removal of Dash Assemblies with Vehicle Identification Number Plate Attached
1020.40 Inspection of Licensees' Records and Premises
1020.50 Consignment Sales by Dealers
1020.70 Rebuilders Not to Engage in Retail Selling of Salvage or Rebuilt Vehicles

AUTHORITY: Implementing Chapter 5 and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 5 and 2-104(b)].

SOURCE: Filed March 5, 1975; amended at 2 Ill. Reg. 33, p. 144, effective August 8, 1978; amended at 5 Ill. Reg. 3835, effective March 27, 1981; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 5260, effective April 4, 1983; amended at 8 Ill. Reg. 14657, effective August 1, 1984; amended at 8 Ill. Reg. 22884, effective November 16, 1984; amended at 12 Ill. Reg. 13612, effective August 15, 1988; amended at 12 Ill. Reg. 17962, effective November 1, 1988; amended at 14 Ill. Reg. 8704, effective June 1, 1990; amended at 19 Ill. Reg. 11640, effective August 1, 1995; amended at 20 Ill. Reg. _____, effective _____.

SECTION 1020.30. RECORDS REQUIRED UPON REMOVAL OF DASH ASSEMBLIES WITH VEHICLE IDENTIFICATION NUMBER PLATE ATTACHED

To avoid committing a violation of 625 ILCS 5/4-103(a)(2), (a)(4) or (a)(5), the licensee shall:

- obtain a Junking Certificate in their name prior to beginning the dismantling process.
- mark each essential part with the full vehicle identification number.
- upon selling the dash assembly and other essential parts from the vehicle, provide the purchaser with a copy of the Junking Certificate and a bill of sale which is notated with the specific information required by 625 ILCS 5/5-402.1(b).

(Source: Added at 20 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Public Library Construction Grants

2) Code Citation: 23 Ill. Adm. Code 3060

3) Section Number:
3060.800 Amendment
3060.1100 Amendment

4) Statutory Authority: Implementing Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3] and authorized by Sections 3 and 8 of the Illinois Library System Act [75 ILCS 10/3 and 8].

5) A Complete Description of the Subjects and Issues Involved: The rules are revised to reflect how the grant funds are paid to the grant recipient including the additional requirements necessary for payment of the second 45% payment of the grant amount. Also, the requirement to comply with the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535] is added.

6) Will This Proposed Amendment Replace an Emergency Rule Currently in Effect? No

7) Does This Rulemaking Contain an Automatic Repeal Date? No

8) Does This Amendment Contain Incorporations By Reference? No

9) Are There Any Other Proposed Amendments Pending on This Part? No

10) Statement of Statewide Policy Objectives: The amendment clarifies the time frame required for expenditure of 90% of the grant funds, clarifies the criteria used for selection of architectural services, and specifies the criteria used for payment of the second 45% payment of grant funds.

11) Time, Place, and Manner in Which Interested Persons May Comment on This Proposed Rulemaking: Written comments and questions should be mailed, faxed, or sent electronically within forty-five (45) days of publication of the proposed amendments in the Illinois Register to:

Ms. Kathleen L. Bloomberg
Associate Director for Administration
Illinois State Library
300 S. Second Street
Springfield, IL 62701-1796
(217) 785-0052
(217) 782-6062 FAX
kbloom@library.sos.state.il.us INTERNET

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NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Minor change with no significant impact on small municipalities.
- B) Reporting, bookkeeping or other procedures required for compliance: Minor changes with no significant impact.
- C) Types of professional skills necessary for compliance: Not applicable.

13) Regulatory Agenda on Which This Rulemaking Was Summarized: January 1996.

The full text of the Proposed Amendments begins on the next page:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE B: CULTURAL RESOURCES

CHAPTER I: SECRETARY OF STATE

PART 3060

PUBLIC LIBRARY CONSTRUCTION GRANTS

SUBPART A: INTRODUCTION

Section
3060.100 Program Purpose
3060.200 Duty to Administer
3060.400 Definitions

SUBPART B: GRANT APPLICATION

Section
3060.500 Priorities in Library Grant Construction Proposals
3060.600 Grant Funding Limitations
3060.700 The Chicago Public Library Branches
3060.800 Grant Application Procedure
3060.900 Requirements and Conditions of Grant Funds
3060.1000 Remodeling for Accessibility
3060.1100 Disbursement of Grant Funds

SUBPART C: APPEAL PROCEDURE

Section
3060.2000 Appeal Procedure

APPENDIX A EDA Qualified Areas (Repealed)

AUTHORITY: Implementing Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3] and authorized by Sections 3 and 8 of the Illinois Library System Act [75 ILCS 10/3 and 8].

SOURCE: Emergency rules adopted and codified at 7 Ill. Reg. 2017, effective January 28, 1983, for a maximum of 150 days; emergency expired June 27, 1983; adopted at 8 Ill. Reg. 2510, effective February 10, 1984; Part repealed, new Part adopted by emergency action at 9 Ill. Reg. 4560, effective March 20, 1985, for a maximum of 150 days; emergency expired August 17, 1985; Part repealed, new Part adopted at 9 Ill. Reg. 15004, effective September 25, 1985; emergency amendment at 9 Ill. Reg. 17885, effective November 4, 1985, for a maximum of 150 days; emergency expired April 3, 1986; amended at 10 Ill. Reg. 20002, effective November 19, 1986; amended at 12 Ill. Reg. 11264, effective July 1, 1988; emergency amendment at 17 Ill. Reg. 18687, effective October 12, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 4996, effective March 14, 1994; amended at 19 Ill. Reg. 12493, effective August 22, 1995; amended at 20

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Ill. Reg. _____, effective _____.

SUBPART B: GRANT APPLICATION

Section 3060.800 Grant Application Procedure

The following application procedures shall apply:

- a) An "Intent to Apply" letter shall be submitted to the respective Regional Planning Commission in advance of the application for a construction grant. A copy of the reply from the applicable Regional Planning Commission and a copy of the "Intent to Apply" letter shall be submitted to the Illinois State Library.
- b) The Illinois State Library shall issue application forms for library construction grants under this program.
- c) Applying libraries and library systems shall submit the completed library construction grant application together with the following documents or written assurances to be eligible for library construction grants:
 - 1) An assurance that the real estate affected by the proposed construction is available to the library or library system.
 - 2) The legal description of the affected real estate.
 - 3) An assurance that other funds are available or how they will be secured by the library. Funds which will be available upon the grant award may include a mortgage commitment letter from a lender or a promise to donate funds. Assurances from the applicant that various fund-raising activities will be undertaken in the future, where the amount to be raised remains uncertain, shall not be counted as part of the local matching funds for the purposes of Section 3060.100.
 - 4) An assurance that the library will expend 90% of Secretary of State library construction grant funds within 12 months after the execution of the grant agreement. The final 10% of grant funds will be reimbursed upon receipt by the State Library of the close-out report, including the final audit, if applicable.
 - 5) A building program including preliminary construction plans.
 - 6) A site plan of the proposed building.
 - 7) An estimated cost per square foot (for additions and new construction).
 - 8) A statement describing the necessity for the proposed project.
 - 9) A statement of plans to meet existing library standards of service ("Avenues to Excellence II: Standards for Public Library Service in Illinois" - Chicago IL, Illinois Library Association, 1989). The material incorporated by reference includes no later amendments or editions. This subsection shall not apply to library systems.
 - 10) A description of the project's potential contribution to the improvement of library services within the library's area of service and in any other portions of the State.

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- 11) An assurance that the library will secure a fidelity bond naming the Office of the Illinois Secretary of State as the exclusive beneficiary in an amount equal to 1.25 times the grant award.
- 12) An assurance that construction work will be performed by the lump sum (fixed price) contract method.
- 13) An assurance the library will comply with the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535] which is required for all such contracts exceeding \$25,000. The library shall publicly announce all requirements for architectural, engineering, and land surveying services, to procure these services on the basis of demonstrated competence and qualifications and to negotiate contracts at fair and reasonable prices.
- 14) ~~13~~ An assurance that adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract, either by public advertising or circularizing three or more bidders, and that the award of the contract will be made to the responsible bidder submitting the lowest acceptable bid.
- 15) ~~14~~ An assurance that all laborers and mechanics employed by the contractor or subcontractors on all construction projects assisted by the Act shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Illinois Department of Labor in accordance with the Prevailing Wage Act [820 ILCS 130].
- 16) ~~15~~ An assurance that a copy of the building permit shall be supplied to the Illinois State Library prior to the actual construction and that the permit shall be posted in a prominent place on the construction site.
- 17) ~~16~~ An assurance that all contractors and subcontractors shall comply with the provision of the Copeland Anti-Kick Back Act (40 U.S.C. 276c (1982)) supplemented in U.S. Department of Labor regulations (29 CFR 3 (1985)). The material incorporated by reference includes no later amendments or editions.
- 18) ~~17~~ An assurance that contractors and subcontractors shall comply with all applicable provisions of the Illinois Human Rights Act [775 ILCS 5] and all Federal and State laws, rules, and regulations which prohibit discrimination because of race, color, religion, sex, marital status, national origin, ancestry, age, and physical or mental handicap.
- 19) ~~18~~ An assurance that architectural, engineering and land surveying contracts will be made in accordance with the Local Government Professional Services Selection Act [50 ILCS 510].
- 20) ~~19~~ An assurance that construction contracts signed by both the library board (or library system board) and contractors will be prepared on standard American Institute of Architecture (AIA) forms that are submitted to the Illinois State Library prior to the start of construction; also, all subcontractors are to perform work in accordance with the conditions and standards

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contained in the contracts signed by the board and the Illinois State Library. The Illinois State Library shall have the right to disapprove any such contracts between the library board or library system board and contractors if:

- A) The bidding procedure outlined in subsection (c)(11) was not followed.
- B) The conditions and standards specified in the contract between the Illinois State Library and the library board are not incorporated into the contracts between the library board or library system board and the contractors.
- 21)207 An assurance that a revised budget will be prepared after bids have been accepted and will be submitted to the Illinois State Library for approval prior to actual construction. Such approval will be based on the exercise of professional judgment to insure that the provision of library services will not be harmed by the changes reflected in the revised budget. Such approval will also be based on the reduction in the contingency line item from 5% in the original budget to 2% of total project cost in the revised budget. Grant monies awarded are based on the amount specified in the original budget; grant awards will not be increased because of subsequent increases in revised budgets.
- 22)217 An assurance that a plaque will be placed in the completed building stating that State funds administered by the Secretary of State and State Librarian were used for the building's construction.
- 23)227 An assurance that permits any agent authorized by the Illinois State Library, upon presentation of credentials to, in accordance with the constitutional limitation on administrative searches, have full access to and the right to examine any records, books, papers, or documents, of the grantee involving transactions related to the grant.
- 24)237 An assurance that the construction will commence within 140 days after the effective date of the grant contract, and that the project will be completed within a reasonable length of time.
- 25)247 An assurance that a sign will be displayed on the construction site stating that State funds administered by the Secretary of State and State Librarian are being used for the construction.
- 26)257 An assurance that the following reports and records will be completed and transmitted to the Illinois State Library: Monthly reports of interest earned on grant funds, quarterly narrative and financial reports; notification within 15 days of completion of the project; a close-out report which is a final financial and narrative report within 90 days after the completion of the project; and other reports and documents, such as prevailing wage rates and receipts to verify vouchers, as reasonably may be required by the State.

- A) Financial reports shall show the amount of authorized State and local funds, interest earned on grant funds,

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expenditures made from grant funds and from interest earned on grant funds, obligated funds by amount and by percentage of line item remaining as compared to the original budget.

- B) Narrative reports shall state the progress of the project, accomplishments to date, problems encountered, objectives met and unmet, changes implemented, and the percentage of completion of the project to date.
- C) The close-out report shall evaluate the degree to which the grantee achieved the goals and objectives of the project. The close-out report shall include a project audit report which shall be completed by an independent certified public accountant or accounting firm using generally accepted accounting principles. The project audit report shall include financial statements and compliance statements (which indicate that grant monies have been obligated in compliance with applicable laws and regulations of the State of Illinois and this Part).
- 27)267 An assurance that the building will remain in use as a public library or library system facility for not less than twenty years after its construction unless other use is approved by the Illinois State Library.
- 28)277 An assurance letter from the Historic Preservation Agency stating the project is in compliance with all of the requirements related to the National Register of Historic Places.
- 29)287 An assurance letter from the Illinois State Water Survey Division of the Illinois Department of Energy and Natural Resources stating that the project site is not located in a Special Flood Hazard Area. If the project site is located in a Special Flood Hazard Area, the applicant shall submit an assurance letter from the Division of Water Resources, the Illinois Department of Transportation, stating that the project meets the requirements of Executive Order 79-4 regarding flood damages.
- 30)297 An assurance that any change in the Plans and Specifications requiring a work change order will be submitted to the Illinois State Library; any change order of \$10,000 or more will be submitted to the Illinois State Library for approval prior to being effected. The change order will be approved if the change does not have an adverse impact on library services.
- 31)307 An assurance that any interest earned on the grant funds will be expended, without limitation or exception, exclusively on the subject construction project.
- d) All applications will be considered by the Illinois State Library Advisory Committee in accordance with the provisions of this Part.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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Section 3060.1100 Disbursement of Grant Funds

The Illinois State Library shall disburse grant funds in accordance with the following schedule:

- a) 45% upon approval of the subject application and execution of the grant agreement;
- b) 45% upon receipt by the Illinois State Library of the following items as listed in the Assurance of Compliance:
 - 1) A list of bids submitted and bids accepted
 - 2) A revised project budget after bids have been accepted
 - 3) A revised construction schedule after bids have been accepted
 - 4) A copy of the building permit
 - 5) Copies of each contract signed, including:
 - A) general contractor
 - B) prime contractor
 - C) any contracts for which separate bids were advertised and received (e.g., carpeting, equipment)
 - D) subcontractors (if contracts are to be signed later, copies can be sent as signed but prior to the start of the subcontractor's work)
- 6) Notification of the erection on the construction site of a sign stating that library construction funds administered by the Secretary of State and State Librarian are being used for the construction
- 7) quarterly narrative and financial reports to date
- 8) An assurance that the library has secured a fidelity bond naming the Office of the Illinois Secretary of State as the exclusive beneficiary in an amount equal to one and a quarter times the grant award
- 9) Letter of notification as to the official date of actual construction start. Construction should begin within 140 days after the effective date of the contract with the Illinois State Library
- 10) Submission of any projected project expenditure changes including identification in detail of how the grant is to be spent:
 - 1) a revised construction schedule
 - 2) a copy of building permit
 - 3) a revised budget (after bid acceptance)
 - 4) a copy of subject library's contract with general contractor
 - 5) notification of the erection on the construction site of a sign stating that library construction funds administered by the Secretary of State and State Librarian are being used for the construction
 - 6) quarterly narrative and financial reports to date; and
- c) 10% upon completion of the project and receipt and approval of the close-out reports by the Illinois State Library.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

1) Heading of the Part: Grain Code2) Code Citation: 8 Ill. Adm. Code 2813) Section Numbers: Adopted Action:

281.10 New Section

281.20 New Section

281.30 New Section

281.40 New Section

281.50 New Section

281.60 New Section

281.70 New Section

281.80 New Section

281.90 New Section

4) Statutory Authority: Implementing and authorized by the Grain Code [40 ILCS 40]5) Effective Date of rules: April 1, 19966) Does this rulemaking contain an automatic repeal date? No7) Does this proposed rule contain incorporations by reference? Yes8) Date Filed in Agency's Principal Office: April 1, 19969) Notices of Proposal Published in Illinois Register: January 5, 1996, 20 Ill. Reg. 110) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version: In Section 281.20(c)(3), "and used for the purpose of receiving or transporting grain" was added in the first sentence. In the first paragraph of Section 281.20(d), "that consists of a compiled balance sheet" was added after "preliminary financial statement". In the second paragraph of this same subsection, "storage" was inserted before "obligations".

In Section 281.40(a)(1)(E), "including total bushel increases and total bushel decreases" was deleted. In Section 281.40(a)(4), "summary stock value" was changed to "summary stock quantity". In the last sentence of Section 281.40(c)(2), "each scale" was changed to "each location that has scales".

In Section 281.50(a)(8)(B), "and price later, storage, and drying service charges" was added after "grain assets". In Section 281.50(a)(8), a new subsection "(F)" was added. In Section 281.50(d)(7), "included in the assets" was added after "Grain assets".

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In Section 281.70(a)(1)(B) and (D), "or a material having similar structural qualities" was added.

In Section 281.80(b)(1), "claims in a failed licensee" was replaced with "on the date of failure."

Section 281.90(d) under "Transfer and Redeposit" was changed to read: "A warehouseman forwarding stored grain to another warehouseman for redempt shall obtain a non-negotiable warehouse receipt as evidence of the forwarded grain." In the second sentence of Section 281.90(f), "related party" was changed to "related person".

Nonsubstantive editorial corrections were also made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes13) Will this rule replace an emergency amendment in effect? No14) Are there any amendments pending on this Part? No

15) Summary and Purpose of rules: Pursuant to P.A. 89-0287, the Public Grain Warehouse and Warehouse Receipts Act [240 ILCS 15], the Illinois Grain Dealers Act [225 ILCS 530], and the Illinois Grain Insurance Act [240 ILCS 25] were repealed. The provisions of those acts were combined into the Grain Code effective January 1, 1996. These rules are necessary to complement and implement the statutory provisions contained in the Grain Code.

16) Information and questions regarding these adopted rules shall be directed to:

Debbie Wakefield
Illinois Department of Agriculture
State Fairgrounds
Springfield, IL 62794-9281
(217) 785-5713
FAX: (217) 785-4505

The full text of Adopted Rules begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER 1: DEPARTMENT OF AGRICULTURE
SUBCHAPTER K: GRAIN

PART 281
GRAIN CODE

Section	
281.10	Right of Examination and Working Conditions
281.20	Licensing: Application, Fees and Financial Ratios
281.30	Required Insurance
281.40	Required Records
281.50	Price Later Contracts
281.60	Warehouse Receipts
281.70	Types of Storage
281.80	Failure; Claims; Liquidation
281.90	Miscellaneous

AUTHORITY: Implementing and authorized by the Grain Code [40 ILCS 40].

SOURCE: Adopted at 20 Ill. Reg. 5499, effective _____,

Section 281.10 Right of Examination and Working Conditions

Right of Examination and Working Conditions:

- The licensee shall permit the Department to examine all warehouse facilities, records or inventory without prior notice. The licensee shall provide reasonable access to records at the location where records are maintained and shall provide assistance requested to perform the examination. The licensee shall reasonably remove risks or hazards that may be encountered during an examination. The licensee shall provide the necessary assistance to any authorized representative of the Department for the safe measurement and sampling of the grain inventory.
- The licensee shall provide an acceptable work place at the location where the master books and records are maintained for any authorized representative of the Department to perform an examination.

Section 281.20 Licensing: Application, Fees and Financial Ratios

- Form and Content of Application

All applications for a license shall be filed on forms provided by the Department. The application shall be signed by the applicant and shall include the following information, without limitation:

 - Whether the applicant is a corporation, cooperative, partnership, individual or other business entity;
 - The major commodity, in terms of bushels, which the applicant

DEPARTMENT OF AGRICULTURE

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- proposes to buy;
 - The general manager's name and the names of those persons responsible for grain operations at each location; and
 - The current business address of the licensee.
- Grain Dealer Certificate Fee

The fee for a certificate of a grain dealer license shall be \$25.00.

- Criteria for Licenses and Certificates
 - A grain dealer license or a location certificate for a grain dealers license is required for each individual address at which any of the following applies:
 - Grain is received from producers and weighed across scales which are under the licensee's control.
 - Contracts are negotiated and executed for the purchase of grain.
 - Settlement or payment is made for grain purchased from Illinois producers.
 - Records relating to any of these transactions are maintained.
 - A grain warehouse license is required for each individual address at which any of the following applies:
 - Grain is received from depositors for storage and weighed across a scale.
 - Warehouse receipts are issued or grain storage records are maintained.
 - A truck owned or leased and used for the purpose of receiving or transporting grain by a grain dealer is required to carry a certificate showing that a grain dealer license is held by the owner or lessee. A truck which is hired by the grain dealer to haul grain is exempt from the certificate requirement.
 - Multiple Warehouse Locations

A common license may be issued for the operation of two or more warehouse facilities if the warehouseman operates each warehouse in conjunction with the other, all functioning under the same name, located in the same geographical area, operating out of a principal office, keeping the same set of records and having the same management.
 - Filing for Extensions

The application for extension and preliminary financial statement that consists of a compiled balance sheet must be received by the Department prior to the close of business on the date of current license's expiration.

If the licensee is also a warehouseman, the applicant must also submit a summary of the applicant's grain inventory and storage obligations. The applicant shall submit an audited financial statement no later than the date the extension expires.

The applicant shall be required to provide an explanation as to why the extension is needed.

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- e) Class II/Incidental Financial Statement Form
The Department shall request that an applicant for an incidental grain dealer or Class II warehouse license submit a financial statement which may be on a form prescribed by the Department.
- f) Reduction of Filing Period for License Renewal
When the Department determines that an applicant has failed to meet the financial requirements of Section 5-25(b) of the Grain Code, the Department shall reduce the filing period for an application for renewal of a license to no less than 60 days after the licensee's fiscal year end upon giving required notice.
- g) Liquid assets shall include accrued storage, drying and price later service charges.

Section 281.30 Required Insurance

- a) Before a license shall be issued to the applicant or the licensed storage capacity is increased, the applicant/licensee shall file with the Department a certificate of insurance which shall indicate that grain is insured for its full market value and that the licensee is the named beneficiary on the policy.
- b) The legal name and address of the licensee and location of each warehouse in the insurance policy shall correspond with the information given in the application.

Section 281.40 Required Records

- a) Daily Position Record
- 1) A daily position record shall be maintained on a daily basis for each commodity. Postings for each day shall reflect actual changes in inventory for that business day. The daily position record shall provide for a separate accounting for the following:
 - A) Summary stock record showing total bushel amount of grain received, grain loaded out of the warehouse, adjustments, total grain inventory in the warehouse, redeposited grain and total of the grain inventory in the warehouse plus redeposited grain.
 - B) Negotiable warehouse receipts obligations, total bushels of receipts issued and total bushels of receipts cancelled.
 - C) Non-negotiable warehouse receipts obligations, total bushels of receipts issued and total bushels of receipts cancelled.
 - D) Non-receipted storage obligations including total bushel increases and total bushel decreases.
 - E) Non-receipted company owned grain.
 - F) Inventory bushel adjustments to the daily position record as set forth in subsection (a)(2) below.
 - 2) Warehousemen may make adjustments to their inventory as long as documentation is available to substantiate the following types of adjustments:

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- A) Adjustments to shrink calculations;
 - B) Adjustments for error correction;
 - C) Adjustments based upon Certified Public Accountant inventories;
 - D) Adjustments based upon weighed inventories.
- 3) Licensees must maintain a master daily position record combining all locations, inventory and storage obligations in the case of multiple locations.
- 4) Actual grain inventories must at all times be in balance with the summary stock quantity as indicated in the daily position record.
- b) Long/Short Position Record
Each grain dealer shall maintain a master long/short risk position record combining all marketing activity of all locations each business day. The risk position record shall at a minimum contain the net position, grain owned, grain sold and shipped on price later contracts which have not been priced, open cash purchase contracts including purchase contracts issued and purchase contracts cancelled, all futures purchased or sold, grain in transit not sold, grain owned and stored in other grain warehouses, grain purchased and received on price later contracts which have not been priced, open cash sales contracts including sales contracts issued and sales contracts cancelled, and any options purchased or sold. The position record shall also contain a comments section. The grain dealer shall note in the comments section any actions taken to regain a balanced position as required in Section 10-10 of the Code. Such comments shall at a minimum indicate bushel amounts, name of buyer/seller/broker and approximate times of transactions.
- c) Scale tickets
- 1) Scale tickets shall be pre-numbered by an independent printer or in the case of computer generated scale tickets, numbered consecutively by the computer record-keeping system.
 - 2) Scale tickets shall be issued in numerical sequence and a copy shall be filed numerically. All scale tickets must be accounted for. A separate series of scale tickets shall be used for each location that has scales under the licensee's control over which grain is received.
- d) Cross reference
All accounts and records relating to grain operations are to be properly cross-referenced. An adequate system of cross-reference shall exist beginning at the time of delivery, clearly indicating the current status of the grain and changes in that status, and indicating the final disposition of the grain.
- e) Settlement and/or Receiving Sheets
Settlement and/or receiving sheets shall either be pre-numbered by an independent printer or in the case of computer generated sheets, numbered consecutively by the computer record-keeping system. The licensee shall use settlement and/or receiving sheets in numerical sequence and account for all settlement and/or receiving sheets.

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Settlement and/or receiving sheets shall contain evidence of the method of settlement, such as check number, warehouse receipt number, or other evidence of settlement. Settlement and/or receiving sheets, both open and closed, shall be filed in a manner to be readily available for examination purposes, such as alphabetical or numerical. Where price later contracts are used, the settlement/receiving sheets shall clearly indicate the price later contract numbers against which grain is to be applied.

- f) Safeguarding and Retention of Records
- The licensee shall provide a secure place at each licensed location and at the principal office for storage of all records pertaining to the operation of the licensee. Such records shall be kept current and made available for inspection by Department personnel at the principal office of the licensee and at each licensed location. Such records shall be retained by the licensee for a period of not less than two years from the closing date of any transaction.

Section 281.50 Price Later Contracts

a) Prescribed Form

A price later contract executed between a licensee and a producer shall be on a prescribed form which has been approved by the Department. The prescribed form shall include, but need not be limited to, the following information:

- 1) The legal name and address of the licensee;
- 2) The legal name of the seller;
- 3) The bushel amount of grain to be covered by the contract;
- 4) The grade and commodity of grain to be covered by the contract;
- 5) The dates of delivery of the grain to be covered by the contract;
- 6) The method of pricing;
- 7) A section to indicate service charges, advances or other terms;
- 8) The following statements:

- A) That title to the grain covered by this contract passes to buyer upon delivery;
- B) Buyer is required to maintain grain assets and price later, storage, and drying service charges equal to 90% of its price later obligations;
- C) Price later grain is not stored for the seller. This contract is regarded as a grain dealer claim. The maximum coverage afforded by the Illinois Grain Insurance Fund is 85% of the valid grain dealer claim amount up to a maximum of \$100,000 per claimant. A valid grain dealer claim includes all groups of contracts that in any way can be related or tied to a person or entity whether in full or in part;
- D) This contract shall cease to be the basis of a valid claim against the Illinois Grain Insurance Fund:
 - i) Upon the expiration of 160 days after the grain sold

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- ii) Upon the expiration of 270 days after the latter of the execution of this contract or the date of delivery of the grain sold under this contract;

E) The execution of subsequent price later contracts by the producer and the licensee for grain previously covered by a price later contract shall not extend the coverage of a claim beyond the original 270 days;

F) Contract must be signed by both parties within 30 days after the last date of delivery or the grain will be priced and this contract will become void;

9) A section indicating the signature and date of signature for both the seller and buyer's representative;

10) The reverse of the contract shall contain a schedule of settlements for the grain to be covered by the contract.

b) Printing

A price later contract shall be printed by a person authorized to print such contracts by the Department. The Department shall authorize persons to print price later contracts if they are printed in accordance with the Grain Code and the rules of this Part and if they have posted the required bond. The printer shall provide a surety bond in the sum of \$5,000 payable to the Illinois Department of Agriculture, Director of the Department of Agriculture as Trustee. All price later contracts shall be:

- 1) Printed only for licensees.
- 2) Numbered consecutively either at the time of printing or through the control of a computer generated system.
- 3) A complete record of contracts printed shall be retained by the printer for 5 years, showing for whom printed, the number printed, and the consecutive numbers that were printed on the contracts.

c) Separate Series

Each location at which price later contracts are issued shall have its own identifiable series of price later contracts.

d) Requirements for Use of Price Later Contracts

- 1) Only one commodity per contract.
- 2) The bushel quantity of a price later contract may not be increased.
- 3) Price later contracts are to be executed in triplicate with the original copy maintained by the dealer.
- 4) The dealer shall maintain the updated and signed contracts in numerical order.
- 5) No storage charges shall be made with respect to any commodity purchased by price later. A service charge may be assessed.
- 6) A rollover shall be documented with the initials of both parties and dated by both parties.
- 7) Grain assets included in the assets required to meet 90% of outstanding price later obligations do not have to be commodity

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specific.

e) Pre-delivery Price Later

When a price later contract is used as a pre-delivery contract, the original bushel amount may be adjusted down to reflect the actual amount of grain delivered against the contract.

Section 281.60 Warehouse Receipts

a) Warehouse Receipt Forms

Every warehouse receipt, in addition to complying with the requirements of Article 7 of the Uniform Commercial Code, shall have the following:

- 1) Class of warehouse (I or II).
 - 2) The legal name of the entity operating the warehouse.
 - 3) If a license covers multiple locations, the receipt must indicate at which location delivery was made and date of delivery.
 - 4) The kind and the grade factors of the grain as prescribed by the Official Grain Standards (7 CFR 810, June 1993).
 - 5) The number of bushels stored.
 - 6) The words "Negotiable" or "Non-negotiable" according to the nature of the receipt, conspicuously printed or stamped thereon.
- b) Printing
- 1) Warehouse receipts shall be printed by a person authorized to print such receipts by the Department. The Department shall authorize persons to print warehouse receipts if they are printed in accordance with the Grain Code and the rules of this Part and if they have posted the required bond. The printer shall provide a surety bond in the sum of \$5,000 payable to the Illinois Department of Agriculture, Director of the Department of Agriculture as Trustee. All warehouse receipts shall be:
 - A) Printed only for licensees.
 - B) Numbered consecutively either at the time of printing or through the control of a computer generated system.
 - C) A complete record of receipts printed shall be retained by the printer for 5 years, showing for whom printed, the number printed, and the consecutive numbers that were printed on the receipts.
 - 2) A duplicate copy of any invoice rendered for printing warehouse receipts shall be forwarded by the printer to the Department at the same time as billing is made to the warehouseman. The invoice shall show for whom printed, the consecutive numbers that were printed on the receipts, type of receipt (whether negotiable or non-negotiable), and number of receipts printed.

c) Warehouse Receipts as Collateral

- 1) Warehousemen issuing negotiable warehouse receipts for collateral purposes shall properly endorse such receipts on the reverse to the secured party.
- 2) The warehouseman's obligation represented by an outstanding

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warehouse receipt endorsed for collateral purposes shall not be cancelled until the warehouseman has the outstanding receipt back in his possession and it has been properly cancelled. The warehouseman may cancel the outstanding obligation represented by a warehouse receipt in lieu of having the actual receipt in his possession, provided that the secured party has presented the warehouseman with a written confirmation of their release of said warehouse receipt. The confirmation shall at a minimum contain the date of release, the receipt numbers and the signature of the secured party warehouse receipt holder. The confirmation may be by letter or facsimile transmission.

d) Issuance and Cancellation

- 1) A negotiable or non-negotiable warehouse receipt shall be issued by the warehouseman to the depositor, on demand by the depositor, for grain delivered into storage. In the case where no warehouse receipt was originally issued to the depositor, except for grain bank accounts, the warehouseman shall issue a warehouse receipt on such stored grain prior to the next harvest season. In the case of a Class II warehouseman, only non-negotiable warehouse receipts shall be issued.
- 2) On the date that a warehouse receipt is cancelled, such receipt shall be plainly marked across its face with the word "cancelled". The cancelled receipt shall also be marked with the date and the name of the person cancelling the same, the means by which the receipt was cancelled (i.e., check number, monetary wire transfer or delivery from storage) and shall thereafter be void. The daily position record shall accurately reflect the date of cancellation of all warehouse receipts.

e) Numbering of Receipts

If warehouse receipts are to be issued from multiple locations or for specific commodities, the warehousemen shall maintain separate numerical series of warehouse receipts for each location or commodity. Such receipts must have a six digit number with the first (leftmost) digit being a numeric prefix to indicate the specific location or commodity.

Section 281.70 Types of Storage

a) Permanent Storage

- 1) The Department shall issue a license for permanent storage capacity or approve the application to amend the licensed permanent storage capacity of a licensee provided that all of the licensing requirements to obtain, maintain or amend a license as set forth in the Code and the rules of this Part have been met and provided the warehouse meets the following requirements:
 - A) The grain storage structures are owned or leased by the applicant/warehouseman.
 - B) Grain is protected from weather elements (i.e., a floor of

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- concrete, asphalt, wood or metal or a material having similar structural qualities).
- C) Each grain storage structure is covered by a permanent, waterproof roof.
- D) The grain storage structure has rigid sidewalls (e.g., concrete, wood or metal or a material having similar structural qualities).
- E) All grain storage structures that are connected by legs, pipes, belts or other fixed devices which transport grain are included in the licensed space.
- 2) Prior to increasing or decreasing the licensed storage capacity, the licensee shall submit an application to amend the licensed storage capacity and provide the following:
 - A) The legal name and address of the entity;
 - B) Description of each storage structure that is being added to or removed from the licensed storage capacity;
 - C) The storage capacity of each warehouse structure proposed to be added or deleted;
 - D) A certificate indicating that insurance coverage has been obtained on all space added to the licensed storage capacity; and
 - E) An amendment fee of \$50.
- b) Temporary Storage
 - 1) Extensions of temporary storage approval may be granted by the Department provided:
 - A) The warehouseman demonstrates that there is good cause for an extension.
 - B) The request for extension is received at least one week in advance of the expiration date.
 - 2) Extensions for the use of temporary storage shall be granted in increments not to exceed 90 days.
- c) Emergency Storage
 - 1) The Department shall approve the use of emergency storage provided the warehouseman demonstrates that an emergency exists.
 - 2) Emergency storage is considered to be any storage which does not meet the criteria of permanent or temporary storage (i.e., uncovered ground piles, structures without rigid sidewalls, etc.).
 - 3) Emergency storage approval shall not exceed three months. The length of approval shall be dependent on the ability of the warehouseman to maintain the quantity and quality of the grain in storage considering weather conditions, exposure to weather elements, security, etc.

Section 281.80 Failure: Claims; Liquidation

- a) In the event of a failure, notices shall contain the following information and be posted:

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- 1) A notice shall be posted at all facilities of the licensee by the Department.
- 2) The notice shall be posted on all office locations of the licensee.
- 3) The notice shall indicate the name of the licensee, the grain warehouse license number and the grain dealer license number.
- 4) The notice shall indicate the effective date the license was either terminated, suspended, revoked, surrendered or renewal was denied.
- 5) The notice shall indicate that the licensee has been ordered to cease and desist doing business as a licensed grain warehouse and grain dealer in the State of Illinois.
- 6) The notice shall indicate that persons may contact the Illinois Department of Agriculture, Bureau of Warehouses, P.O. Box 19281, Springfield, IL 62794-9281; (800)654-0082.
- b) Liquidating licensee
 - 1) Procedure for determining the value of grain on the date of failure.

The Department shall use an average of the cash bid prices, as solicited from grain dealers located within the market area of the failed licensee and the actual cash bid that would have been offered by the failed licensee on the date of closing, for all grain stored or unpriced as indicated by the evidence of storage or sale of grain, less transportation, handling costs, and discounts. The schedule of discounts which include, but are not limited to, moisture, foreign material, test weight, heating, musty, sour, or commercially objectionable foreign odor, heat damage, weevil damage, splits and damaged kernels of the failed licensee shall be used by the Department to determine discounts to be assessed against the valid claimant.

For all grain delivered, sold, and priced prior to the date of failure, the price per bushel shall be that which has been agreed upon by the failed licensee and the claimant.
 - 2) Procedure for the sale of grain from a failed warehouse and/or grain dealer.

The Department shall solicit at least three competitive bids from within the market area of the failed licensee. The Department shall solicit quotations for market discounts (i.e., moisture, foreign material, test weights, heating, musty, sour or commercially objectionable foreign odors, heat damage, weevil damage, splits and damage to the kernels) from each bidder who submits a bid. The Department shall consider the following factors in determining who shall purchase the grain:

 - A) The bid price for the grain.
 - B) Transportation costs to be deducted from the bid price for the grain.
 - C) Market discounts that will be applied against the bid price for the grain.

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D) The amount of the grain that the bidder can take delivery of during the contracted time period for transporting the grain.

c) Claims Procedure

- 1) Claimants shall file their claims at the location indicated in the public notice or mail claims to the Department of Agriculture, Bureau of Warehouses, P.O. Box 19281, Springfield, IL 62794-9281.
- 2) Claim forms will be made available at the locations of the failed licensee.
- 3) All scale tickets, settlement sheets, warehouse receipts and contracts must be submitted with the claim.
- 4) All original warehouse receipts shall be submitted to the Department prior to receiving payment of a claim.
- 5) All claims must be signed by claimant whose name appears on the claim.

Section 281.90 Miscellaneous

a) Business Hours

Temporary interruptions of the posted business days and hours shall be posted in a conspicuous place at the place of business. The Department may grant seasonal business days and hours to those businesses which operate only during specific periods. Any deviations on business hours pursuant to Section 5-25(a)(2) of the Grain Code shall be approved by the Department.

b) Grain Bank

- 1) Grain deposited for grain bank purposes shall be accounted for on a separate record, with such record containing the same informational requirements as a non-negotiable warehouse receipt, or on a non-negotiable warehouse receipt listing each lot of grain deposited and withdrawn showing a net balance.
 - 2) When a non-negotiable warehouse receipt is issued for grain in grain bank, the reverse side of the original warehouse receipt shall be used to record withdrawals and additional deposits and the warehouse receipt shall be retained by the warehouseman.
 - 3) No deposit shall be recorded which would increase the balance of the grain in the grain bank to an amount which would exceed the original net bushels on the face of the non-negotiable warehouse receipt.
- c) Posting Bin Chart and Diagram
The warehouseman shall post in a conspicuous place in the office of each warehouse a bin chart and diagram, as supplied by the Department, showing the location, bin number and capacity of all bins and sections of the warehouse.
- d) Transfer and Redeposit
A warehouseman forwarding stored grain to another warehouseman for redeposit shall obtain a non-negotiable warehouse receipt as evidence

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of the forwarded grain.

- e) Grain Dealer Examination Fee
The first examination performed each calendar year shall be billed at a rate of .00015 x the total dollar amount paid to producers the last fiscal year with a minimum fee of \$75 and a maximum of \$200. When more than one location is included in the exam, each additional certificate of a license shall be billed \$25. For each subsequent examination in a calendar year, the grain dealer shall pay a \$25 fee for each license examined.

f)

Collateral and Guarantees
Pursuant to Section 15-30(d) of the Grain Code, the Department may require that an applicant or licensee provide the Department with personal, corporate, or other related person guarantees. The Department may require that a guarantee be executed by any related person to an applicant or licensee. All guarantees shall be executed for a minimum of \$500,000. Guarantees shall be executed for a maximum amount not to exceed the dollar value of annual grain purchases or the dollar value of the highest bushel storage obligation during the past year.

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NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Grain Dealers

2) Code Citation: 68 Ill. Adm. Code 600

3) Section Numbers: Adopted Action:

600.10 Repealed
 600.20 Repealed
 600.30 Repealed
 600.40 Repealed
 600.50 Repealed
 600.60 Repealed
 600.70 Repealed
 600.80 Repealed
 600.90 Repealed
 600.100 Repealed
 600.110 Repealed

4) Statutory Authority: Illinois Grain Dealers Act [225 ILCS 630]

5) Effective Date of Rulemaking: April 1, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: April 1, 1996

9) Notice of Proposal Published in Illinois Register: January 5, 1996, 20 Ill. Reg. 15

10) Has JCARE issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCARE been made as indicated in the agreement letter issued by JCARE? N/A

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Pursuant to P.A. 89-0287, the Illinois Grain Dealers Act was repealed January 1, 1996. The provisions of the Public Grain Warehouse and Warehouse Receipts Act, the Illinois Grain Dealers Act, and the Illinois Grain Insurance Act are combined into the Grain Code (effective January 1, 1996). A Notice of Adopted Rules for the Grain Code is published in this issue of the *Illinois Register*.

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NOTICE OF ADOPTED REPEALER

16) Information and questions regarding these adopted repealers shall be directed to:

Name: Debbie Wakefield
 Address: Illinois Department of Agriculture
 State Fairgrounds
 Springfield, Illinois 62794-9281
 Telephone: 217/785-5713
 FAX: 217/785-4505

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Illinois Grain Insurance Act

2) Code Citation: 8 Ill. Adm. Code 285

<u>Section Numbers:</u>	<u>Adopted Action:</u>
285.10	Repealed
285.20	Repealed
285.30	Repealed
285.40	Repealed
285.50	Repealed
285.60	Repealed
285.70	Repealed
285.80	Repealed
285.90	Repealed
285.100	Repealed
285.110	Repealed

4) Statutory Authority: Illinois Grain Insurance Act [240 ILCS 25]

5) Effective Date of Repeal: April 1, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Does this proposed repealer contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: April 1, 1996

9) Notices of Proposal Published in Illinois Register: January 5, 1996, 20 Ill. Reg. 25

10) Has JC&R issued a Statement of Objections to these rules? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JC&R been made as indicated in the agreement letter issued by JC&R? N/A

13) Will this repealer replace an emergency amendment in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of repealer: Pursuant to P.A. 89-0287, the Illinois Grain Insurance Act was repealed January 1, 1996. The provisions of the Public Grain Warehouse and Warehouse Receipts Act, the Illinois Grain Dealers Act, and the Illinois Grain Insurance Act are combined into the Grain Code (effective January 1, 1996). A Notice of Adopted Rules for the Grain Code is published in this issue of the *Illinois Register*.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED REPEALER

16) Information and questions regarding this adopted repealer shall be directed to:

Debbie Wakefield
Illinois Department of Agriculture
State Fairgrounds
Springfield, IL 62794-9281
(217) 785-5713
FAX: 217/785-4505

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Public Grain Warehouse and Warehouse Receipts Act

2) Code Citation: 8 Ill. Adm. Code 505

3) Section Numbers: Adopted Action:

505.10 Repealed
 505.20 Repealed
 505.25 Repealed
 505.27 Repealed
 505.30 Repealed
 505.40 Repealed
 505.50 Repealed
 505.60 Repealed
 505.70 Repealed
 505.80 Repealed
 505.90 Repealed
 505.100 Repealed
 505.110 Repealed
 505.120 Repealed
 505.130 Repealed
 505.140 Repealed
 505.150 Repealed
 505.160 Repealed
 505.170 Repealed
 505.180 Repealed
 505.190 Repealed
 505.200 Repealed
 505.210 Repealed
 505.220 Repealed
 505.230 Repealed
 505.240 Repealed
 505.250 Repealed
 505.260 Repealed
 505.270 Repealed
 505.280 Repealed
 505.290 Repealed
 505.300 Repealed
 505.310 Repealed
 505.320 Repealed
 505.330 Repealed
 505.340 Repealed
 505.350 Repealed
 505.360 Repealed
 505.370 Repealed
 505.380 Repealed
 505.390 Repealed
 505.400 Repealed
 505.410 Repealed

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- 505.420 Repealed
 505.430 Repealed
 505.440 Repealed
 505.450 Repealed
 505.460 Repealed
 Illustration A Repealed
- 4) Statutory Authority: The Public Grain Warehouse and Warehouse Receipts Act [240 ILCS 15] and Section 5 of the Illinois Grain Insurance Act [240 ILCS 25]; and Sections 5/16 and 205/40.23 of the Civil Administrative Code of Illinois [20 ILCS 5/16 and 205/40.23]
- 5) Effective Date of Repealer: April 1, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed repealer contain incorporations by reference? Yes
- 8) Date Filed in Agency's Principal Office: April 1, 1996
- 9) Notices of Proposal Published in Illinois Register: January 5, 1996, 20 Ill. Reg. 33
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A
- 13) Will this repealer replace an emergency amendment in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of repealer: Pursuant to P.A. 89-0287, the Public Grain Warehouse and Warehouse Receipts Act was repealed January 1, 1996. The provisions of the Public Grain Warehouse and Warehouse Receipts Act, the Illinois Grain Dealers Act, and the Illinois Grain Insurance Act are combined into the Grain Code (effective January 1, 1996). A Notice of Adopted Rules for the Grain Code is published in this issue of the Illinois Register.
- 16) Information and questions regarding this adopted repealer shall be directed to:
 Debbie Wakefield
 Illinois Department of Agriculture
 State Fairgrounds

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED REPEALER

Springfield, IL 62794-9281
(217) 785-5713
FAX: 217/785-4505

DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Recipient Rights
- 2) Code Citation: 59 Ill. Adm. Code 111
- 3) Section Numbers: 111.30
Adopted Action:
Added
- 4) Statutory Authority: Implementing the National Voter Registration Act of 1993 (42 U.S.C. 1973gg (1995)) and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5].
- 5) Effective Date of Amendments: March 29, 1996
- 6) Does this rulemaking contain an automatic repeal date? No, this rulemaking does not contain an automatic repeal date.
- 7) Does this amendment contain incorporations by reference? This rulemaking incorporates by reference federal statutes and the rules of another State agency.
- 8) Date Filed in Agency's Principal Office: March 27, 1996.
- 9) Notice(s) of Proposal Published in Illinois Register: September 29, 1995 (19 Ill. Reg. 13487). An identical emergency amendment, effective September 15, 1995, was published on September 29, 1995 at 19 Ill. Reg. 13584. This emergency expired February 11, 1996.
- 10) Has JCAR issued a Statement of Objections to this amendment? No. JCAR has not issued an objection to this amendment.
- 11) Difference(s) between proposal and final version:

In the Source note, the emergency action was added and the reference to 19 Ill. Reg. replaced with a reference to 20 Ill. Reg. The Section source note was also changed to reference 20 Ill. Reg.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were recommended.
- 13) Will these amendments replace an emergency rule? No. The emergency rulemaking on this amendment expired February 12, 1996. (See response to question 9.)
- 14) Are there any amendments pending on this Part? No other amendments are

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pending on this Part.

15) Summary and Purpose of Amendment: Section 111.30 sets out the procedures for State-operated facilities and community agencies providing mental health and developmental disabilities services to offer service applicants the opportunity to register to vote in federal elections only. It also sets out requirements for sending completed registration forms to the election authority of the location where the applicant resides and for retention of voter information forms completed by service applicants.

16) Information and questions regarding this adopted amendment shall be directed to:

Judith Hollenberg
Rules Administrator
401 Stratton Building
Springfield, IL 62765
(217) 785-3313
FAX: (217) 524-8920

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

PART 111
RECIPIENT RIGHTS

Section
111.10

Nondiscrimination on the basis of handicap in the delivery of services under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C.A. 701 et seq., 1982)

111.20 Service to hearing impaired and non-English/limited English speaking (NE/LES) recipients in Department of Mental Health and Developmental Disabilities facilities

111.30 Voter registration for service applicants

AUTHORITY: Section 111.10 implementing 29 U.S.C. 794 (1995) and 45 CFR 84 (1994); Section 111.20 implementing Sections 2-102(a) and 4-205 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-102(a) and 4-205]; Section 111.30 implementing the National Voter Registration Act of 1993 (42 U.S.C. 1973gg (1995)); authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5].

SOURCE: Adopted at 8 Ill. Reg. 22086, effective November 1, 1984; emergency amendment at 19 Ill. Reg. 13584, effective September 15, 1995, for a maximum of 150 days; emergency expired February 11, 1996; amended at 20 Ill. Reg. 5520, effective MAR 20 1996.

Section 111.30 Voter registration for service applicants

In accordance with the National Voter Registration Act of 1993 (42 U.S.C. 1973gg (1995)), all service applicants to Department facilities and community agencies receiving funds from the Department shall be informed of their rights concerning the application for voter registration for federal elections and shall be given an opportunity to apply to register to vote when applying for services.

a) Definitions

For the purposes of this Section, the following terms are defined:

"Applicant" or "service applicant". An individual 18 years of age or older who requests mental health or developmental disabilities services for himself or herself or for whom services are requested. This includes wards of guardians of the person, individuals alleged to be subject to involuntary or judicial admission and individuals committed to the Department as unfit to stand trial or not guilty by reason of insanity. It does not

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include individuals committed as guilty but mentally ill, transferred to the Department from the Department of Corrections or who are pre-trial detainees or inmates of county jails.

"Community agency". An entity that provides mental health or developmental disabilities services through a grant agreement or purchase of service contract with the Department.

"Department". The Department of Mental Health and Developmental Disabilities.

"Information forms". Voter registration application forms on which individuals are asked if they want to apply to register to vote and to check a box indicating their preference.

"Mental health or developmental disabilities services". This phrase includes the following: examination, diagnosis, evaluation, training, outpatient treatment, hospitalization, psychotherapy, pharmaceuticals, residential care, day care, special living arrangements, sheltered employment, protective services, and counseling; it does not include crisis services.

b) Procedures for explanation of rights and presentation of application

- 1) When an applicant applies for mental health or developmental disabilities services to any community agency or facility operated by the Department, the staff shall:
 - A) Inform the applicant of his or her rights to execute or decline to execute a voter registration application, as set out in the State Board of Election's rules at 26 Ill. Adm. Code 215.
 - B) Provide the applicant with an information form that asks if he or she would like to register to vote and containing boxes which can be checked to indicate whether the applicant would like to register to vote.
 - C) Provide the applicant with a voter registration application form supplied by the State Board of Elections unless the applicant declines to apply to register to vote.

2) Staff shall not:

- A) Seek to influence an applicant's political preference or party registration;
- B) Display any such political preference or party allegiance;
- C) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

D) Make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services. (42 U.S.C.

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19739q-5(a)(5))

3) If the applicant indicates either by checking the appropriate box or verbally (if he or she cannot write) that he or she wants to apply to register to vote, staff shall assist the applicant in filling out the voter registration form. Assistance shall include, but not be limited to, translators (for non-English or limited-English speakers), sign language interpreters (for deaf or deafened individuals), readers (for sight-impaired persons) and a verbal explanation of the form, as appropriate. The form shall then be mailed, in accordance with subsection (c) of this Section.

4) If the applicant indicates by checking the appropriate box or verbally that he or she declines to apply to register, the staff shall ask the individual to sign the form and shall retain the form in accordance with subsection (d) of this Section.

5) If the applicant does not check either box and does not communicate any choice, the staff shall treat the lack of choice as a declination, note that the applicant did not indicate a preference on the form and retain the form in accordance with subsection (d) of this Section.

6) Staff shall offer the applicant an opportunity to apply to register to vote, as set out in subsection (b)(1) of this Section, on each admission, unless the applicant indicates that he or she has applied to register to vote or indicates that he or she is already registered. Because it may be clinically contraindicated to offer the applicant the opportunity to apply to register to vote immediately on admission, staff may choose to wait until the applicant's clinical condition has stabilized before offering the opportunity to apply to register to vote. In all cases an applicant shall be offered the opportunity to apply to register to vote no later than 30 calendar days following the development of the initial treatment or habilitation plan. Each community agency or facility operated by the Department shall develop procedures to implement this requirement that are consistent with the clinical and programmatic needs of the applicant and the administrative and operational requirements of the agency or facility.

c) Procedures for registration

If an applicant executes an application for voter registration, staff shall send it to the election authority of the location where the applicant resides within 10 calendar days after the form is executed pursuant to the State Board of Elections rules at 26 Ill. Adm. Code 215.

d) Information forms

1) The facility or agency shall retain the information forms for five years after the execution of the form. The forms will be used for statistical reporting purposes and the forms or the names of those persons who executed them shall not be released.

DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES

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2) The information forms shall be stored separately from the recipient's clinical records.

- e) Community agency certification
Community agencies shall certify to the Department annually that they were in compliance with the requirements of this Section and the applicable law.

(Source: Amended at 20 Ill. Reg. 5520 : II, effective
MAR 29 1996)

POLLUTION CONTROL BOARD

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- 1) Heading of the Part: Permits
- 2) Code Citation: 35 Ill. Adm. Code 309
- 3) Section Numbers: 309.103
Adopted Action: Amended
- 4) Statutory Authority: 415 ILCS 5/13, 13.3 and 27
- 5) Effective Date of Rulemaking: April 1, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) Date Filed in Agency's Principal Office: March 21, 1996
- 9) Notice of Proposal Published in Illinois Register: January 19, 1996; 20 Ill. Reg. 992
- 10) Has JCAR issued a Statement of Objections to these rules? No
Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
- 11) Difference(s) between proposal and final version: None.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No
Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking:
Section 13.3 of the Act requires the Board to adopt regulations which are "identical in substance" with federal regulations promulgated by the United States Environmental Protection Agency (USEPA) to implement the pretreatment requirements of Sections 307 and 402 of the Clean Water Act. The proposed amendments adopt the amendments to the pretreatment regulations adopted by the USEPA between January 1, 1995 and June 30, 1995.

POLLUTION CONTROL BOARD

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The USEPA on June 29, 1995 at 60 Fed. Reg. 33926 deleted a number of regulations that were obsolete or redundant. The rules considered obsolete have expired by their own terms or by terms of the statute or have been made obsolete by the completion of the grant projects to which the regulation applied. The Board, updates the incorporations of the regulations of which parts have been deleted by the USEPA. The USEPA noted that its action did not make any legally substantive changes to the regulatory program.

A more detailed description is contained in the Board's opinion of March 21, 1996, in R95-22, which opinion is available from the address below.

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Diane F. O'Neill, Attorney
Address: Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
Telephone: 312-814-6062

Requests for copies of the March 21, 1996 opinion should be addressed to Clerk of the Board at the above address and should reference Docket R95-22.

The full text of the Adopted Amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 309
PERMITS

SUBPART A: NPDES PERMITS

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NPDES Permit Required	309.101
Application -- General	309.102
Renewal	309.103
Authority to Deny NPDES Permits	309.104
Access to Facilities and Further Information	309.105
Distribution of Applications	309.106
Tentative Determination and Draft Permit	309.107
Public Notice	309.108
Contents of Public Notice of Application	309.109
Combined Notices	309.110
Agency Action After Comment Period	309.111
Fact Sheets	309.112
Notice to Other Governmental Agencies	309.113
Public Hearings on NPDES Permit Applications	309.114
Notice of Agency Hearing	309.115
Agency Hearing	309.116
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Terms and Conditions of NPDES Permits	309.119
Water Quality Standards and Waste Load Allocation	309.141
Effluent Limitations	309.142
Federal New Source Standards of Performance	309.143
Duration of Permits	309.144
Authority to Establish Recording, Reporting, Monitoring and Sampling Requirements	309.145
Authority to Apply Entry and Inspection Requirements	309.146
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Authority to Require Notice of Introduction of Pollutants into Publicly Owned Treatment Works	309.148
Authority to Ensure Compliance by Industrial Users with Sections 204(b), 307 and 308 of the Clean Water Act	309.149
Maintenance and Equipment	309.150
Toxic Pollutants	309.151
Deep Well Disposal of Pollutants (Repealed)	309.152
Authorization to Construct	309.153
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Total Dissolved Solids Reporting and Monitoring	309.155

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309.181 Appeal of Final Agency Action on a Permit Application
 309.182 Authority to Modify, Suspend or Revoke Permits
 309.183 Revision of Schedule of Compliance
 309.184 Permit Modification Pursuant to Variance
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 309.191 Effective Date

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Section
 309.201 Preamble
 309.202 Construction Permits
 309.203 Operating Permits; New or Modified Sources
 309.204 Operating Permits; Existing Sources
 309.205 Joint Construction and Operating Permits
 309.206 Experimental Permits
 309.207 Former Permits (Repealed)
 309.208 Permits for Sites Receiving Sludge for Land Application
 309.221 Applications -- Contents
 309.222 Applications -- Signatures and Authorizations
 309.223 Applications -- Registered or Certified Mail
 309.224 Applications -- Time to Apply
 309.225 Applications -- Filing and Final Action By Agency
 309.241 Standards for Issuance
 309.242 Duration of Permits Issued Under Subpart B
 309.243 Conditions
 309.244 Appeals from Conditions in Permits
 309.261 Permit No Defense
 309.262 Design, Operation and Maintenance Criteria
 309.263 Modification of Permits
 309.264 Permit Revocation
 309.265 Approval of Federal Permits
 309.266 Procedures
 309.281 Effective Date
 309.282 Severability

APPENDIX A References to Previous Rules

AUTHORITY: Implementing Sections 13 and 13.3 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13, 13.3 and 27].

SOURCE: Adopted in R71-14, at 4 PCB 3, March 7, 1972; amended in R73-11, 12, at 14 PCB 661, December 5, 1974, at 16 PCB 511, April 24, 1975, and at 28 PCB 509, December 20, 1977; amended in R73-11, 12, at 29 PCB 477, at 2 Ill. Reg. 16, p. 20, effective April 20, 1978; amended in R79-13, at 39 PCB 263, at 4 Ill. Reg. 34, p. 159, effective August 7, 1980; amended in R77-12B, at 41 PCB 369, at 5 Ill. Reg. 6384, effective May 28, 1981; amended in R76-21, at 44 PCB 203, at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg.

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7818; amended in R82-5, 10, at 54 PCB 411, at 8 Ill. Reg. 1612, effective January 18, 1984; amended in R86-44 at 12 Ill. Reg. 2495, effective January 13, 1988; amended in R88-1 at 13 Ill. Reg. 5993, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2892, effective February 13, 1990; amended in R91-5 at 55 Ill. Reg. 7339, effective April 27, 1992; amended in R95-22 at 20 Ill. Reg. 5526, effective APR 1 1996.

SUBPART A: NPDES PERMITS

Section 309.103 Application -- General

a) Application Forms

- 1) An applicant for a National Pollutant Discharge Elimination System (NPDES) Permit shall file an application, in accordance with Section 309.223 hereof, on forms provided by the Illinois Environmental Protection Agency (Agency). Such forms shall comprise the NPDES application forms promulgated by the U.S. Environmental Protection Agency for the type of discharge for which an NPDES Permit is being sought and such additional information as the Agency may reasonably require in order to determine that the discharge or proposed discharge will in compliance with applicable state and federal requirements.
- 2) In addition to the above application forms, the Agency may require the submission of plans and specifications for treatment works and summaries of design criteria.
- 3) Effluent toxicity monitoring
 - A) In addition to the above application forms, the Agency may require, pursuant to Section 39 of the Act, the installation, use, maintenance and reporting of results from monitoring equipment and methods, including biological monitoring. The Agency may require, pursuant to Section 39 of the Act, effluent toxicity testing to show compliance with 35 Ill. Adm. Code 302.621 and 302.630. If this toxicity testing shows the effluent to be toxic, the Agency may require pursuant to Section 39 of the Act further testing and identification of the toxicant(s) pursuant to 35 Ill. Adm. Code 302.210(a).
 - B) The following POTWs shall provide the results of valid whole effluent biological toxicity testing to the Agency:
 - i) All POTWs with design influent flows equal to or greater than one million gallons per day;
 - ii) All POTWs with approved pretreatment programs or POTWs required to develop a pretreatment program pursuant to 35 Ill. Adm. Code 310.Subpart E;
 - C) In addition to the POTWs listed in (a)(3)(B), the Agency may require other POTWs to submit the result of toxicity tests with their permit applications, based on consideration of the following factors.

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- i) The variability of the pollutants or pollutant parameters in the POTW effluent (based on chemical-specific information, the type of treatment facility, and types of industrial contributors);
 - ii) The dilution of the effluent in the receiving water (ratio of effluent flow to receiving stream flow);
 - iii) Existing controls on point or non-point sources, including total maximum daily load calculations for the waterbody segment and the relative contribution of the POTW;
 - iv) Receiving stream characteristics, including possible or known water quality impairment, and whether the POTW discharges to a coastal water, one of the Great Lakes, or a water designated as an outstanding natural resource; or
 - v) Other considerations (including but not limited to the history of toxic impact and compliance problems at the POTW), which the Agency determines could cause or contribute to adverse water quality impacts.
- D) The POTWs required under subsections (a)(3)(B) or (a)(3)(C) to conduct toxicity testing shall use the methods prescribed at 35 Ill. Adm. Code 302. Subpart F. Such testing must have been conducted since the later of the last NPDES permit reissuance or permit modification pursuant to Section 309.182, 309.183 or 309.184 for any of the reasons listed at 40 CFR 122.62(a) (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1994†~~, herein incorporated by reference (including no later amendments or editions).
- 4) All POTWs with approved pretreatment programs shall provide the following information to the Agency: a written technical evaluation of the need to revise local limits pursuant to 35 Ill. Adm. Code 310.210.

BOARD NOTE: Subsections (a)(3)(B) through (a)(4) are derived from 40 CFR 122.21(j) ~~(1994)~~ ~~†1994†~~.

- b) Animal Waste Facilities
An applicant for an NPDES Permit in connection with the operation of an animal waste facility shall complete, sign, and submit an NPDES application in accordance with the provisions of 35 Ill. Adm. Code Subtitle E, Chapter I.
- c) Mining Activities
1) If, as defined by 35 Ill. Adm. Code 402.101, mining activities are to be carried out on a facility for which an NPDES Permit is held or required, the applicant must submit a permit application as required by 35 Ill. Adm. Code 403.103, 403.104 and 405.104. If the facility will have a discharge other than a mine discharge or non-point source mine discharge as defined by 35 Ill. Adm. Code 402.101, the applicant shall also submit an NPDES Permit

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- application in accordance with Section 309.223 on forms supplied by the Agency.
- 2) As provided by 35 Ill. Adm. Code 403.101, except to the extent contradicted in 35 Ill. Adm. Code: Subtitle D, Chapter I, the rules contained in this Subpart apply to 35 Ill. Adm. Code: Subtitle D, Chapter I NPDES permits.
 - 3) As provided by 35 Ill. Adm. Code 406.100, except to the extent provided in 35 Ill. Adm. Code Subtitle D, Chapter I, the effluent and water quality standards of 35 Ill. Adm. Code 302, 303 and 304 are inapplicable to mine discharges and non-point source mine discharges.
- d) New Discharges
Any person whose discharge will begin after the effective date of this Subpart A or any person having an NPDES Permit issued by the U.S. Environmental Protection Agency for an existing discharge which will substantially change in nature, or increase in volume or frequency, must apply for an NPDES Permit either:
- 1) No later than 180 days in advance of the date on which such NPDES Permit will be required; or
 - 2) In sufficient time prior to the anticipated commencement of the discharge to insure compliance with the requirements of Section 306 of the Clean Water Act (CWA) (33 USC 1251 et seq.), or with any applicable zoning or siting requirements established pursuant to Section 208(b)(2)(C) of the CWA, and any other applicable water quality standards and applicable effluent standards and limitations.
- e) Signatures
An application submitted by a corporation shall be signed by a principal executive officer of at least the level of vice president, or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the application form originates. In the case of a partnership or a sole proprietorship, the application shall be signed by a general partner or the proprietor, respectively. In the case of a publicly owned facility, the application shall be signed by either the principal executive officer, ranking elected official, or other duly authorized employee.

(Source: Amended at 20 Ill. Reg. 5526, effective APR 1 1996)

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- 1) Heading of the Part: Pretreatment Programs
- 2) Code Citation: 35 Ill. Adm. Code 310
- 3) Section Numbers:

310.107	<u>Adopted Action:</u>
310.510	Amended
310.602	Amended
310.711	Amended
- 4) Statutory Authority: 415 ILCS 5/13, 13.3 and 27
- 5) Effective Date of Rulemaking: April 1, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) Date Filed in Agency's Principal Office: March 21, 1996.
- 9) Notice of Proposal Published in Illinois Register: January 19, 1996, 20 Ill. Reg. 1000
- 10) Has JCAR issued a Statement of Objections to these rules?
 Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
- 11) Difference(s) between proposal and final version:
 Section 310.103 was removed from the proposal as this section does not contain any incorporations that need to be updated.
 Corrected section number on Section 310.711.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
 Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

POLLUTION CONTROL BOARD

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- 15) Summary and Purpose of Rulemaking:
 Section 13.3 of the Act requires the Board to adopt regulations which are "identical in substance" with federal regulations promulgated by the United States Environmental Protection Agency (USEPA) to implement the pretreatment requirements of Sections 307 and 402 of the Clean Water Act. The proposed amendments adopt the amendments to the pretreatment regulations adopted by the USEPA between January 1, 1995 and June 30, 1995.
 The USEPA on June 29, 1995 at 60 Fed. Reg. 33926 deleted a number of regulations that were obsolete or redundant. The rules considered obsolete have expired by their own terms or by terms of the statute or have been made obsolete by the completion of the grant projects to which the regulation applied. The Board, updates the incorporations of the regulations of which parts have been deleted by the USEPA. The USEPA noted that its action did not make any legally substantive changes to the regulatory program.
 A more detailed description is contained in the Board's opinion of March 21, 1996, in R95-22, which Opinion is available from the address below.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Diane F. O'Neill, Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6062

 Requests for copies of the March 21, 1996 opinion should be addressed to Clerk of the Board at the above address and should reference Docket R95-22.
The full text of the Adopted Amendment begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE C: WATER POLLUTION
 CHAPTER I: POLLUTION CONTROL BOARD

PART 310

PRETREATMENT PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section

310.101 Applicability
 310.102 Objectives
 310.103 Federal Law
 310.104 State Law
 310.105 Confidentiality
 310.107 Incorporations by Reference
 310.110 Definitions
 310.111 New Source

SUBPART B: PRETREATMENT STANDARDS

Section

310.201 General Prohibitions
 310.202 Specific Prohibitions
 310.210 Specific Limits Developed by POTW
 310.211 Local Limits
 310.220 Categorical Standards
 310.221 Category Determination Request
 310.222 Deadline for Compliance with Categorical Standards
 310.230 Concentration and Mass Limits
 310.232 Dilution
 310.233 Combined Wastestream Formula

SUBPART C: REMOVAL CREDITS

Section

310.301 Special Definitions
 310.302 Authority
 310.303 Conditions for Authorization to Grant Removal Credits
 310.310 Calculation of Revised Discharge Limits
 310.311 Demonstration of Consistent Removal
 310.312 Provisional Credits
 310.320 Compensation for Overflow
 310.330 Exception to POTW Pretreatment Requirement
 310.340 Application for Removal Credits Authorization
 310.341 Agency Review
 310.343 Assistance of POTW
 310.350 Continuance of Authorization

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310.351 Modification or Withdrawal of Removal Credits
 SUBPART D: PRETREATMENT PERMITS

Section

310.400 Preamble
 310.401 Pretreatment Permits
 310.402 Time to Apply
 310.403 Imminent Endangerment
 310.410 Application
 310.411 Certification of Capacity
 310.412 Signatures
 310.413 Site Visit
 310.414 Completeness
 310.415 Time Limits
 310.420 Standard for Issuance
 310.421 Final Action
 310.430 Conditions
 310.431 Duration of Permits
 310.432 Schedules of Compliance
 310.441 Effect of a Permit
 310.442 Modification
 310.443 Revocation
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SUBPART E: POTW PRETREATMENT PROGRAMS

Section

310.501 Pretreatment Programs Required
 310.502 Deadline for Program Approval
 310.503 Incorporation of Approved Programs in Permits
 310.504 Incorporation of Compliance Schedules in Permits
 310.505 Reissuance or Modification of Permits
 310.510 Pretreatment Program Requirements: Development and Implementation by POTW
 310.521 Program Approval
 310.522 Contents of Program Submission
 310.524 Content of Removal Allowance Submission
 310.531 Agency Action
 310.532 Defective Submission
 310.533 Water Quality Management
 310.541 Deadline for Review
 310.542 Public Notice and Hearing
 310.543 Agency Decision
 310.544 USEPA Objection
 310.545 Notice of Decision
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SUBPART F: REPORTING REQUIREMENTS

Section	
310.601	Definition of Control Authority
310.602	Baseline Report
310.603	Compliance Schedule
310.604	Report on Compliance with Deadline
310.605	Periodic Reports on Compliance
310.606	Notice of Potential Problems
310.610	Monitoring and Analysis
310.611	Requirements for Non-Categorical Users
310.612	Annual POTW Reports
310.613	Notification of Changed Discharge
310.621	Compliance Schedule for POTW's
310.631	Signatory Requirements for Industrial User Reports
310.632	Signatory Requirements for POTW Reports
310.633	Fraud and False Statements
310.634	Recordkeeping Requirements
310.635	Notification of Discharge of Hazardous Waste

SUBPART G: FUNDAMENTALLY DIFFERENT FACTORS

Section	
310.701	Definition of Requester
310.702	Purpose and Scope
310.703	Criteria
310.704	Fundamentally Different Factors
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310.706	More Stringent State Law
301.711	Application Deadline
310.712	Contents of FDF Request
310.713	Deficient Requests
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310.721	Agency Review of FDF Requests
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SUBPART H: ADJUSTMENTS FOR POLLUTANTS IN INTAKE

Net/Gross Calculation by USEPA

SUBPART I: UPSETS

Section	
310.901	Definition
310.902	Effect of an Upset
310.903	Conditions Necessary for an Upset
310.904	Burden of Proof
310.905	Review ability of Claims of Upset

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SUBPART J: BYPASS

Section	
310.906	User Responsibility in Case of Upset
310.910	Definition
310.911	Bypass Not Violating Applicable Pretreatment Standards or Requirements
310.912	Notice
310.913	Prohibition of Bypass

SUBPART K: MODIFICATION OF POTW PRETREATMENT PROGRAMS

Section	
310.920	General
310.921	Procedures
310.922	Substantial Modifications

AUTHORITY: Implementing and authorized by Sections 13, 13.3, and 27 of the Environmental Protection Act [415 ILCS 5/13, 13.3 and 27].

SOURCE: Adopted in R86-44 at 12 Ill. Reg. 2502, effective January 13, 1988; amended in R88-18 at 13 Ill. Reg. 2463, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19243, effective November 27, 1989; amended in R89-12 at 14 Ill. Reg. 7608, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7346, effective April 27, 1992; amended in R95-22 at 20 Ill. Reg. 5533, effective APR 1 1996.

SUBPART A: GENERAL PROVISIONS

Section 310.107 Incorporations by Reference

- a) The following publications are incorporated by reference:
- 1) The consent decree in NRDC v. Costle, 12 Environment Reporter Cases 1833 (D.C. Cir. August 16, 1978).
 - 2) Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983, available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401.
- b) The following provisions of the Code of Federal Regulations are incorporated by reference:
- 40 CFR 2.302 (1994) ~~†199††~~
 - 40 CFR 25 (1994) ~~†199††~~
 - 40 CFR 122, Appendix D, Tables II and III (1994) ~~†199††~~
 - 40 CFR 128.140(b) (1977)
 - 40 CFR 136 (1994), as amended at 60 Fed. Reg. 17160, April 4, 1995 ~~†199††~~
 - 40 CFR 403 (1994), as amended at 60 Fed. Reg. 33926 effective

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June 29, 1995 †1991†

40 CFR 403, Appendix D (1994) †1991†

c) The following federal statutes are incorporated by reference:

- 1) Section 1001 of the Criminal Code (18 U.S.C. 1001) as of July 1, 1988
- 2) Clean Water Act (33 U.S.C. 1251 et seq.) as of July 1, 1988
- 3) Subtitles C and D of the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.) as of July 1, 1988
- d) This Part incorporates no future editions or amendments.

(Source: Amended at 20 Ill. Reg. 5533, effective
APR 1 1996)

SUBPART E: POTW PRETREATMENT PROGRAMS

Section 310.510 Pretreatment Program Requirements: Development and Implementation by POTW

A POTW pretreatment program shall be based on the following legal authority and include the following procedures, and these authorities and procedures shall at all times be fully and effectively exercised and implemented:

- a) Legal authority. The POTW shall operate pursuant to legal authority enforceable in federal, state or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of this Part and 35 Ill. Adm. code 307. Such authority may be contained in a statute, ordinance or series of joint powers agreements which the POTW is authorized to enact, enter into or implement, and which are authorized by State law. At a minimum, this legal authority shall enable the POTW to:

- 1) Deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by industrial users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the POTW to violate its NPDES permit;
- 2) Require compliance with applicable pretreatment standards and requirements by industrial users;
- 3) Control, through ordinance, permit, order or similar means, the contribution to the POTW by each industrial user to ensure compliance with applicable pretreatment standards and requirements, and in the case of each significant industrial user, as defined at 35 Ill. Adm. Code 310.110, this control shall be achieved through permits or equivalent individual control mechanisms issued to each such user; such control mechanisms must be enforceable and contain, at a minimum, the following conditions:

- A) A statement of duration (in no case more than five years);
- B) A statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of

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the existing control mechanism to the new owner or operator;
 C) Effluent limits based on applicable general pretreatment standards in this Part and 35 Ill. Adm. Code 307, categorical pretreatment standards, local limits, and local law;

- D) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards of this Part and 35 Ill. Adm. Code 307, categorical pretreatment standards, local limits, and local law; and

- E) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule; however, such schedules may not extend the compliance date beyond applicable federal deadlines;

4) Require:

- A) The development of a compliance schedule by each industrial user for the installation of technology required to meet applicable pretreatment standards and requirements; and
- B) The submission of all notices and self-monitoring reports from industrial users as are necessary to assess and assure compliance by industrial users with pretreatment standards and requirements, including, but not limited, to the reports required in 310.510 Subpart F;
- 5) Carry out all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by industrial users, compliance or noncompliance with applicable pretreatment standards and requirements by industrial users. Representatives of the POTW shall be authorized to enter any premises of any industrial user in which a discharge source or treatment system is located or in which records are required to be kept under Section 310.634 to assure compliance with pretreatment standards. Such authority shall be at least as extensive as the authority provided under Section 308 of the CWA; Obtain remedies for noncompliance by any industrial user with any pretreatment standard or requirement:
- A) All POTW's shall be able to seek injunctive relief for noncompliance by industrial users with pretreatment standards or requirements. All POTW's shall also have authority to seek or assess civil or criminal penalties in at least the amount of \$1000 a day for each violation by industrial users of pretreatment standards and requirements. POTW's whose approved pretreatment programs require modification to conform to the requirements of this subsection shall submit a request by November 16, 1989;
- B) Pretreatment requirements which will be enforced through the

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remedies set forth in subsection (a)(6)(A) will include but not be limited to: the duty to allow or carry out inspections, entry or monitoring activities; any rules, regulations or orders issued by the POTW; any requirements set forth in individual control mechanisms issued by the POTW; or any reporting requirements imposed by the POTW, this Part or 35 Ill. Adm. Code 307. The POTW shall have authority and procedures (after notice to the industrial user) immediately and effectively to halt or prevent any discharge of pollutants to the POTW which reasonably appears to present an imminent endangerment to the health or welfare of persons. The POTW shall also have authority and procedures (which shall include notice to the affected industrial users and an opportunity to respond) to halt or prevent any discharge to the POTW which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW. The Agency shall have authority to seek judicial relief when the POTW has sought a monetary penalty which the Agency finds to be insufficient; and

- 7) Comply with the confidentiality requirements set forth in Section 310.105;
- b) Procedures. The POTW shall develop and implement procedures to ensure compliance with the requirements of a pretreatment program. At a minimum, these procedures shall enable the POTW to:

- 1) Identify and locate all possible industrial users which might be subject to the POTW pretreatment program. Any compilation, index or inventory of industrial users made under this subsection shall be made available to the Agency upon request;
- 2) Identify the character and volume of pollutants contributed to the POTW by the industrial users identified under subsection (b)(1). This information shall be made available to the Agency upon request;
- 3) Notify industrial users identified under subsection (b)(1) of applicable pretreatment standards and any applicable requirements under Section 204(b) and 405 of the CWA and Subtitles C and D of the Resource Conservation and Recovery Act, incorporated by reference in Section 310.107. Within 30 days of approval, pursuant to subsection (f), of a list of significant industrial users, notify each significant industrial user or its status as such and of all requirements applicable to it as a result of such status;
- 4) Receive and analyze self-monitoring reports and other notices submitted by industrial users in accordance with the self-monitoring requirements in Subpart D;
- 5) Randomly sample and analyze the effluent from industrial users and conduct surveillance and inspection activities in order to identify, independent of information supplies by industrial

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users, occasional and continuing noncompliance with pretreatment standards. Inspect and sample the effluent from each significant industrial user at least once a year. Evaluate, at least once every two years, whether each such significant industrial user needs a plan to control slug discharges. For purposes of this subsection, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge. The results of these activities shall be made available to the Agency upon request. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

- A) A description of discharge practices, including non-routine batch discharges;
- B) A description of stored chemicals;
- C) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under Section 310.202 and 35 Ill. Adm. Code 307.Subpart B, with procedures for follow-up written notification within five days; and
- D) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and measures and equipment for emergency response;
- 6) Investigate instances of noncompliance with pretreatment standards and requirements, as indicated in the reports and notices required under Subpart D, or as indicated by analysis, inspection and surveillance activities described in subsection (b)(5). Sample taking and analysis, and the collection of other information, shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions; and
- 7) Comply with the public participation requirements of 40 CFR 25, incorporated by reference in Section 310.107, in the enforcement of pretreatment standards. These procedures shall include provision for providing, at least annually, public notification, in a newspaper of general circulation in the unit of local government in which the POTW is located, of industrial users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:
 - A) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of

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- the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- B) "Technical review criteria" (TRC) violations, which shall mean those violations in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- C) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under subsection (a)(6)(B) to halt or prevent such a discharge;
- E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- F) Failure to provide, within 30 days after the due date, required reports, such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G) Failure to accurately report noncompliance; or
- H) Any other violation or group of violations which the Agency determines will adversely affect the operation or implementation of the local pretreatment program;
- c) The POTW shall have sufficient resources and qualified personnel to carry the authorities and procedures described in subsection (a) and (b);
- d) Local limits. The POTW shall develop local limits as required in Section 310.210 or demonstrate that they are not necessary;
- e) The POTW shall develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan shall, at a minimum:
- 1) Describe how the POTW will investigate instances of noncompliance;
 - 2) Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;

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- 3) Identify (by title) the officials responsible for each type of response; and
 - 4) Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in subsections (a) and (b); and
 - f) The POTW shall prepare a list of its industrial users meeting the criteria in the first subsection of the definition of "significant industrial user" at Section 310.110. The list shall identify the criteria in the first subsection of the definition of "significant industrial user" at Section 310.110 applicable to each industrial user and, for industrial users meeting the criteria in the second subsection of that definition, shall also indicate whether the POTW has made a determination pursuant to the caveat in the second subsection of that definition that such industrial user should not be considered a significant industrial user. This list, and any subsequent modifications thereto, shall be submitted to the Agency as a non-substantial program modification pursuant to Subpart K. Discretionary designations or de-designations by the control authority shall be deemed to be approved by the Agency 90 days after submission of the list or modifications thereto.
- BOARD NOTE: Derived from 40 CFR 403.8(f) (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 (#99#).

(Source: Amended at 20 Ill. Reg. 5533, effective APR 1 1996)

SUBPART F: REPORTING REQUIREMENTS

Section 310.602 Baseline Report

Within the time limits specified in subsection (h), existing industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to a POTW shall submit to the control authority a report which contains the information listed in subsections (a) through (g). New sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the control authority a report which contains the information listed in subsections (a) through (e). Where reports containing this information already have been submitted to the USEPA in compliance with 40 CFR 128.140(b), incorporated by reference in Section 310.107, the industrial user shall not be required to submit this information again. New sources shall also include in the report information on the method of pretreatment the source intended to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in subsections (d) and (e).

- a) Identifying information. The industrial user shall submit the name and address of the facility including the name of the operator and owners;
- b) Permits. The industrial user shall submit a list of any environmental

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control permits held by or for the facility;

c) Description of operations. The industrial user shall submit a brief description of the nature, average rate of production and standard industrial classification (SIC Code) of the operations carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes;

d) Flow measurement. The industrial user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

- 1) Regulated process streams; and
- 2) Other streams as necessary to allow use of the combined wastewater formula of Section 310.233. (See subsection (e)(5).) The control authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations;

e) Measurement of pollutants.

- 1) The industrial user shall identify the pretreatment standards applicable to each regulated process;
- 2) In addition, the industrial user shall submit the result of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or control authority) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations.
- 3) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The control authority shall waive flow proportional composite sampling for any industrial user that demonstrates that flow-proportional sampling is infeasible. In such cases, samples shall be obtained through time proportional composite sampling techniques or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.
- 4) The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this subsection.
- 5) Samples shall be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the industrial user shall measure the flows and concentrations necessary to allow use of the combined wastewater formula of Section 310.233 in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or

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mass limit has been calculated in accordance with Section 310.233, this adjusted limit along with supporting data shall be submitted to the control authority.

6) Analytical methods.

A) The Board incorporates by reference 40 CFR 403.12(b) (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 (490077-as-amended-53-Fed-Reg-490137-October-17--1998).

This Part incorporates no future amendments or editions.

B) Sampling and analysis shall be performed in accordance with the techniques prescribed in 35 Ill. Adm. Code 307.1003. When 35 Ill. Adm. Code 307.1003 does not reference sampling or analytical techniques for the pollutant in question, or where USEPA has determined that sampling and analysis techniques are inappropriate pursuant to 40 CFR 403.12(b), sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, approved by the Agency, including procedures suggested by the POTW or other parties.

7) The control authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

8) The baseline report shall indicate the time, date and place of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

f) Certification. A statement, reviewed by an authorized representative of the industrial user (as defined in Section 310.633) and certified to be a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O and M) or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements; and

g) Compliance schedule. If additional pretreatment or O and M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment or O and M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

1) Where the industrial user's categorical pretreatment standard has been modified by a removal allowance (Subpart C), by the combined wastewater formula (Section 310.233) or a fundamentally different factors determination (Subpart E) at the time the user submits the report required by this Section, the information required by subsections (f) and (g) shall pertain to the modified limits.

2) If the categorical pretreatment standard is modified by a removal allowance (Subpart C), by the combined wastewater formula

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(Section 310.233) or a fundamentally different factors determination (Subpart E) after the user submits the report required by this Section, any necessary amendments to the information requested by subsections (f) and (g) shall be submitted by the user to the control authority within 60 days after the modified limit is approved.

h) Deadlines for baseline reports.

- 1) For standards adopted by USEPA prior to authorization of the Illinois pretreatment program baseline reports must be submitted pursuant to 40 CFR 403.12(b).
- 2) For standards adopted by USEPA after authorization of the Illinois pretreatment program:

- A) Baseline reports for existing sources are due within 180 days after the Board adopts or incorporates a categorical pretreatment standard, or 180 days after the final administrative decision made upon a category determination submission under Section 310.221(d), whichever is later.

- B) New sources and sources that become industrial users subsequent to the promulgation of an applicable categorical standard shall submit the baseline report within 90 days before beginning discharge.

- C) New sources already in existence and discharging on the date the Board adopts or incorporates a categorical pretreatment standard or 180 days after the final administrative decision made upon a category determination submission under Section 310.221(d), as described for existing sources under subsection (h)(1)(A), are considered existing sources for the purposes of the due date provisions of this subsection.

BOARD NOTE: Derived from 40 CFR 403.12(b) (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995 (1988); as amended at 53 Fed. Reg. 40613; October 17, 1988.

(Source: Amended at 20 Ill. Reg. 5533, effective APR 1 1996)

SUBPART G: FUNDAMENTALLY DIFFERENT FACTORS

Section 301.711 Application Deadline

a) Request for an FDF determination and supporting information must be submitted in writing to the Agency.

b) In order to be considered, requests for FDF determinations must be submitted within the following time limits:

- 1) Prior to authorization of the Illinois program, FDF requests must be directed to USEPA pursuant to 40 CFR 403.13 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 (1986).

- 2) For standards adopted by USEPA after authorization of the Illinois pretreatment program, the industrial user shall request

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an FDF determination within 180 days after the Board adopts or incorporates the standard by reference unless the user has requested a category determination pursuant to Section 310.221.

- c) Where the industrial user has requested a category determination pursuant to Section 310.221, the user may elect to await the results of the category determination before submitting a request for an FDF determination. Where the user so elects, the user shall submit the request within 30 days after a final decision has been made on the categorical determination pursuant to Section 310.221(d).

BOARD NOTE: Derived from 40 CFR 403.13(g) (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995. (1986)

(Source: Amended at 20 Ill. Reg. 5533, effective APR 1 1996)

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1) Heading of the Part: Sewer Discharge Criteria

2) Code Citation: 35 Ill. Adm. Code 307

3) Section Numbers: Adopted Action:

307.1502	Amended
307.1503	Amended
307.1504	Amended
307.1505	Amended
307.1506	Amended
307.1507	Amended
307.1508	Amended
307.1509	Amended
307.1510	Amended
307.1511	Amended
307.1512	Amended
307.1601	Amended
307.1602	Amended
307.1603	Amended
307.1604	Amended
307.1605	Amended
307.1606	Amended
307.1607	Amended
307.1608	Amended
307.1609	Amended
307.1610	Amended
307.1702	Amended
307.1703	Amended
307.1704	Amended
307.1705	Amended
307.1706	Amended
307.1707	Amended
307.1708	Amended
307.1801	Amended
307.1815	Amended
307.1901	Amended
307.1902	Amended
307.1903	Amended
307.2101	Amended
307.2103	Amended
307.2201	Amended
307.2701	Amended
307.2702	Amended
307.2703	Amended
307.2704	Amended
307.2705	Amended
307.2706	Amended
307.2707	Amended

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307.2708	Amended
307.2709	Amended
307.2710	Amended
307.2711	Amended
307.2712	Amended
307.2713	Amended
307.2714	Amended
307.2715	Amended
307.2716	Amended
307.2717	Amended
307.2718	Amended
307.2719	Amended
307.3401	Amended
307.3402	Amended
307.3403	Amended
307.3601	Amended
307.3602	Amended
307.3603	Amended
307.3604	Amended
307.3605	Amended
307.3606	Amended
307.3607	Amended
307.3608	Amended
307.3610	Amended
307.3611	Amended
307.3612	Amended
307.3613	Amended
307.3701	Amended
307.3702	Amended
307.3703	Amended
307.3704	Amended
307.3705	Amended
307.3706	Amended
307.3707	Amended
307.3708	Amended
307.3709	Amended
307.3710	Amended
307.3711	Amended
307.3801	Amended
307.3804	Amended
307.3805	Amended
307.3806	Amended
307.3807	Amended
307.3808	Amended
307.3809	Amended
307.3810	Amended
307.3811	Amended
307.4201	Amended

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307.4202 Amended
 307.4203 Amended
 307.4204 Amended
 307.4205 Amended
 307.4206 Amended
 307.4207 Amended
 307.4208 Amended
 307.4209 Amended
 307.4210 Amended
 307.5301 Amended
 307.5302 Amended
 307.5303 Amended
 307.5304 Amended
 307.5601 Amended
 307.5701 Amended
 307.6801 Amended
 307.6802 Amended
 307.6803 Amended

4) Statutory Authority: 415 ILCS 5/13, 13.3 and 27

5) Effective Date of Rulemaking: April 1, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? Yes

8) Date Filed in Agency's Principal Office: March 21, 1996

9) Notice of Proposal Published in Illinois Register: January 19, 1996, 20 Ill. Reg. 1018

10) Has JCAR issued a Statement of Objections to these rules? No. Section 22.4(a) of the Environmental Protection Act (415 ILCS 5/22.4(a)) provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

11) Difference(s) between proposal and final version: None.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

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13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Section 13.3 of the Act requires the Board to adopt regulations which are "identical in substance" with federal regulations promulgated by the United States Environmental Protection Agency (USEPA) to implement the pretreatment requirements of Sections 307 and 402 of the Clean Water Act. The proposed amendments adopt the amendments to the pretreatment regulations adopted by the USEPA between January 1, 1995 and June 30, 1995.

The USEPA on June 29, 1995 at 60 Fed. Reg. 33926 deleted a number of regulations that were obsolete or redundant. The rules considered obsolete have expired by their own terms or by terms of the statute or have been made obsolete by the completion of the grant projects to which the regulation applied. The Board, updates the incorporations of the regulations of which parts have been deleted by the USEPA. The USEPA noted that its action did not make legally substantive changes to the regulatory program.

A more detailed description is contained in the Board's opinion of March 21, 1996, in R95-22, which opinion is available from the address below.

16) Information and questions regarding these adopted amendments shall be directed to:

Diane F. O'Neill, Attorney
 Illinois Pollution Control Board
 100 W. Randolph 11-500
 Chicago, IL 60601
 (312) 814-6062

Requests for copies of the March 21, 1996 opinion should be addressed to the Clerk of the Board at the above address and should reference Docket R95-22.

The full text of the Adopted Amendment begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE C: WATER POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

PART 307

SEWER DISCHARGE CRITERIA

SUBPART A: GENERAL PROVISIONS

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307.101 Preamble (Renumbered)

307.102 General Requirements (Renumbered)

307.103 Mercury (Renumbered)

307.104 Cyanide (STORET number 00720) (Renumbered)

307.105 Pretreatment Requirements (Repealed)

307.1001 Preamble

307.1002 Definitions

307.1003 Test Procedures for Measurement

307.1005 Toxic Pollutants

SUBPART B: GENERAL AND SPECIFIC PRETREATMENT REQUIREMENTS

Section

307.1101 General and Specific Requirements

307.1102 Mercury

307.1103 Cyanide

SUBPART F: DAIRY PRODUCTS PROCESSING

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307.1503 Cultured Products

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307.1505 Cottage Cheese and Cultured Cream Cheese

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307.1509 Condensed Milk

307.1510 Dry Milk

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307.1512 Dry Whey

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307.1606 Parboiled Rice Milling

307.1607 Animal Feed

307.1608 Hot Cereal

307.1609 Ready-to-eat Cereal

307.1610 Wheat Starch and Gluten

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307.1703 Citrus Products

307.1704 Frozen Potato Products

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307.1708 Canned and Miscellaneous Specialties

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307.1815 Fish Meal Processing Subcategory

SUBPART J: SUGAR PROCESSING

Section

307.1901 Beet Sugar Processing

307.1902 Crystalline Cane Sugar Refining

307.1903 Liquid Cane Sugar Refining

SUBPART K: TEXTILE MILLS

Section

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307.2002 Wool Finishing

307.2003 Low Water Use Processing

307.2004 Woven Fabric Finishing

307.2005 Knit Fabric Finishing

307.2006 Carpet Finishing

307.2007 Stock and Yarn Finishing

307.2008 Nonwoven Manufacturing

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SUBPART M: FEEDLOTS

Section

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307.2402 Other Fibers

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307.2404 Thermosetting Resins

307.2405 Commodity Organic Chemicals

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307.2407 Specialty Organic Chemicals

307.2410 Indirect Discharge Point Sources

307.2490 Non-complexed Metal-bearing and Cyanide-bearing Wastestreams

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307.2520 Sodium Sulfite Production

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307.2523 Aluminum Fluoride Production

307.2524 Ammonium Chloride Production

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307.2535 Chromic Acid Production

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307.2540 Fluorine Production

307.2541 Hydrogen Production

307.2542 Hydrogen Cyanide Production

307.2543 Iodine Production

307.2544 Lead Monoxide Production

307.2545 Lithium Carbonate Production

307.2547 Nickel Salts Production

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307.2550 Potassium Chloride Production

307.2551 Potassium Iodide Production

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307.2554 Sodium Bisulfite Production

307.2555 Sodium Fluoride Production

307.2560 Stannic Oxide Production

307.2563 Zinc Sulfate Production

307.2564 Cadmium Pigments and Salts Production

307.2565 Cobalt Salts Production

307.2566 Sodium Chlorate Production

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307.3002	Sintering
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SUBPART V: NONFERROUS METALS MANUFACTURING

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307.3100	General Provisions
307.3101	Bauxite Refining
307.3102	Primary Aluminum Smelting
307.3103	Secondary Aluminum Smelting
307.3104	Primary Copper Smelting
307.3105	Primary Electrolytic Copper Refining
307.3106	Secondary Copper
307.3107	Primary Lead
307.3108	Primary Zinc
307.3109	Metallurgical Acid Plants
307.3110	Primary Tungsten
307.3111	Primary Columbium-Tantalum
307.3112	Secondary Silver
307.3113	Secondary Lead
307.3114	Primary Antimony
307.3115	Primary Beryllium
307.3116	Primary and Secondary Germanium and Gallium
307.3117	Secondary Indium
307.3118	Secondary Mercury
307.3119	Primary Molybdenum and Rhenium
307.3120	Secondary Molybdenum and Vanadium
307.3121	Primary Nickel and Cobalt
307.3122	Secondary Nickel
307.3123	Primary Precious Metals and Mercury
307.3124	Secondary Precious Metals
307.3125	Primary Rare Earth Metals
307.3126	Secondary Tantalum
307.3127	Secondary Tin
307.3128	Primary and Secondary Titanium
307.3129	Secondary Tungsten and Cobalt
307.3130	Secondary Uranium
307.3131	Primary Zirconium and Hafnium

SUBPART X: STEAM ELECTRIC POWER GENERATING

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Section 307.3301	Steam Electric Power Generating
SUBPART Y: FERROALLOY MANUFACTURING	
Section 307.3401	Open Electric Furnaces With Wet Air Pollution Control Devices
307.3402	Covered Electric Furnaces and Other Smelting Operations with Wet Air Pollution Control Devices
307.3403	Slag Processing
307.3404	Covered Calcium Carbide Furnaces With Wet Air Pollution Control Devices
307.3405	Other Calcium Carbide Furnaces
307.3406	Electrolytic Manganese Products
307.3407	Electrolytic Chromium

SUBPART Z: LEATHER TANNING AND FINISHING

Section 307.3500	General Provisions
307.3501	Hair Pulp, Chrome Tan, Retan-Wet Finish
307.3502	Hair Save, Chrome Tan, Retan-Wet Finish
307.3503	Hair Save or Pulp, Non-Chrome Tan, Retan-Wet Finish
307.3504	Retan-Wet Finish-Sides
307.3505	No Beamhouse
307.3506	Through-the-Blue
307.3507	Shearing
307.3508	Pigskin
307.3509	Retan-Wet Finish-Splits
307.3590	Potassium Ferricyanide Titration Method

SUBPART BA: GLASS MANUFACTURING

Section 307.3601	Insulation Fiberglass
307.3602	Sheet Glass Manufacturing
307.3603	Rolled Glass Manufacturing
307.3604	Plate Glass Manufacturing
307.3605	Float Glass Manufacturing
307.3606	Automotive Glass Tempering
307.3607	Automotive Glass Laminating
307.3608	Glass Container Manufacturing
307.3610	Glass Tubing (Danner) Manufacturing
307.3611	Television Picture Tube Envelope Manufacturing
307.3612	Incandescent Lamp Envelope Manufacturing
307.3613	Hand Pressed and Blown Glass Manufacturing

SUBPART BB: ASBESTOS MANUFACTURING

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Section 307.3701	Asbestos-Cement Pipe
307.3702	Asbestos-Cement Sheet
307.3703	Asbestos Paper (Starch Binder)
307.3704	Asbestos Paper (Elastomeric Binder)
307.3705	Asbestos Millboard
307.3706	Asbestos Roofing
307.3707	Asbestos Floor Tile
307.3708	Coating or Finishing of Asbestos Textiles
307.3709	Solvent Recovery
307.3710	Vapor Absorption
307.3711	Wet Dust Collection
SUBPART BC: RUBBER MANUFACTURING	
Section 307.3801	Tire and Inner Tube Plants
307.3802	Emulsion Crumb Rubber
307.3803	Solution Crumb Rubber
307.3804	Latex Rubber
307.3805	Small-Sized General Molded, Extruded and Fabricated Rubber Plants
307.3806	Medium-Sized General Molded, Extruded and Fabricated Rubber Plants
307.3807	Large-Sized General Molded, Extruded, and Fabricated Rubber Plants
307.3808	Wet Digestion Reclaimed Rubber
307.3809	Pan, Dry Digestion and Mechanical
307.3810	Latex-Dipped, Latex-Extruded and Latex-Molded Rubber
307.3811	Latex Foam

SUBPART BD: TIMBER PRODUCTS PROCESSING

Section 307.3900	General Provision
307.3901	Barking
307.3902	Veneer
307.3903	Plywood
307.3904	Dry Process Hardboard
307.3905	Wet Process Hardboard
307.3906	Wood Preserving-Water Borne or Nonpressure
307.3907	Wood Preserving-Steam
307.3908	Wood Preserving-Boulton
307.3909	Wet Storage
307.3910	Log Washing
307.3911	Sawmills and Planing Mills
307.3912	Finishing
307.3913	Particleboard Manufacturing
307.3914	Insulation Board
307.3915	Wood Furniture and Fixture Production Without Water Wash Spray Booth(s) or Without Laundry Facilities

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307.3916 Wood Furniture and Fixture Production with Water Wash Spray Booth(s)
or With Laundry Facilities

SUBPART BE: PULP, PAPER AND PAPERBOARD

Section

307.4000 General Provisions
307.4001 Unbleached Kraft
307.4002 Semi-Chemical
307.4004 Unbleached Kraft-Neutral Sulfite Semi-Chemical (Cross Recovery)
307.4005 Paperboard From Wastepaper
307.4006 Dissolving Kraft
307.4007 Market Bleached Kraft
307.4008 BCT Bleached Kraft
307.4009 Fine Bleached Kraft
307.4010 Papergrade Sulfite (Blow Pit Wash)
307.4011 Dissolving Sulfite Pulp
307.4012 Groundwood-Chemi-Mechanical
307.4013 Groundwood-Thermo-Mechanical
307.4014 Groundwood-CMN Papers
307.4015 Groundwood-Fine Papers
307.4016 Soda
307.4017 Deink
307.4018 Nonintegrated-Fine Papers
307.4019 Nonintegrated-Tissue Papers
307.4020 Tissue From Wastepaper
307.4021 Papergrade Sulfite (Drum Wash)
307.4022 Unbleached Kraft and Semi-Chemical
307.4023 Wastepaper-Molded Products
307.4024 Nonintegrated-Lightweight Papers
307.4025 Nonintegrated-Filter and Nonwoven Papers
307.4026 Nonintegrated-Paperboard

SUBPART BF: BUILDERS' PAPER AND BOARD MILLS

Section

307.4101 Builder's Paper and Roofing Felt

SUBPART BG: MEAT PRODUCTS

Section

307.4201 Simple Slaughterhouse
307.4202 Complex Slaughterhouse
307.4203 Low-Processing Packinghouse
307.4204 High-Processing Packinghouse
307.4205 Small Processor
307.4206 Meat Cutter
307.4207 Sausage and Luncheon Meats Processor

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307.4208 Ham Processor
307.4209 Canned Meats Processor
307.4210 Renderer

SUBPART BH: METAL FINISHING

Section

307.4300 General Provisions
307.4301 Metal Finishing

SUBPART BN: PHARMACEUTICAL MANUFACTURING

Section

307.4900 General Provisions
307.4901 Fermentation Products
307.4902 Extraction Products
307.4903 Chemical Synthesis Products
307.4904 Mixing/Compounding and Formulation
307.4905 Research

SUBPART BR: PAVING AND ROOFING MATERIALS (TARS AND ASPHALT)

Section

307.5301 Asphalt Emulsion
307.5302 Asphalt Concrete
307.5303 Asphalt Roofing
307.5304 Linoleum and Printed Asphalt Felt

SUBPART BU: PAINT FORMULATING

Section

307.5601 Oil-Base Solvent Wash Paint

SUBPART BV: INK FORMULATING

Section

307.5701 Oil-Base Solvent Wash Ink

SUBPART CD: PESTICIDE CHEMICALS

Section

307.6500 General Provisions
307.6501 Organic Pesticide Chemicals Manufacturing
307.6502 Metallo-Organic Pesticides Chemicals Manufacturing
307.6503 Pesticide Chemicals Formulating and Packaging

SUBPART CG: CARBON BLACK MANUFACTURING

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Section	
307.6801	Carbon Black Furnace Process
307.6802	Carbon Black Thermal Process
307.6803	Carbon Black Channel Process
307.6804	Carbon Black Lamp Process
SUBPART CJ: BATTERY MANUFACTURING	

Section	
307.7100	General Provisions
307.7101	Cadmium
307.7102	Calcium
307.7103	Lead
307.7104	Leclanche
307.7105	Lithium
307.7106	Magnesium
307.7107	Zinc

SUBPART CL: PLASTICS MOLDING AND FORMING

Section	
307.7300	General Provision
307.7301	Contact Cooling and Heating Water
307.7302	Cleaning Water
307.7303	Finishing Water

SUBPART CM: METAL MOLDING AND CASTING

Section	
307.7400	General Provisions
307.7401	Aluminum Casting
307.7402	Copper Casting
307.7403	Ferrous Casting
307.7404	Zinc Casting

SUBPART CN: COIL COATING

Section	
307.7500	General Provisions
307.7501	Steel Basis Material
307.7502	Galvanized Basis Material
307.7503	Aluminum Basis Material
307.7504	Canmaking

SUBPART CO: PORCELAIN ENAMELING

Section	
307.7600	General Provisions

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307.7601	Steel Basis Material
307.7602	Cast Iron Basis Material
307.7603	Aluminum Basis Material
307.7604	Copper Basis Material
SUBPART CP: ALUMINUM FORMING	

Section	
307.7700	General Provisions
307.7701	Rolling With Neat Oils
307.7702	Rolling With Emulsions
307.7703	Extrusion
307.7704	Forging
307.7705	Drawing With Neat Oils
307.7706	Drawing With Emulsions or Soaps

SUBPART CQ: COPPER FORMING

Section	
307.7800	General Provisions
307.7801	Copper Forming
307.7802	Beryllium Copper Forming

SUBPART CR: ELECTRICAL AND ELECTRONIC COMPONENTS

Section	
307.7901	Semiconductor
307.7902	Electronic Crystals
307.7903	Cathode Ray Tube
307.7904	Luminescent Materials

SUBPART CT: NONFERROUS METALS FORMING AND METAL POWDERS

Section	
307.8100	General Provisions
307.8101	Lead-Tin-Bismuth Forming
307.8102	Magnesium Forming
307.8103	Nickel-Cobalt Forming
307.8104	Precious Metals Forming
307.8105	Refractory Metals Forming
307.8106	Titanium Forming
307.8107	Uranium Forming
307.8108	Zinc Forming
307.8109	Zirconium-Hafnium Forming
307.8110	Metal Powders

APPENDIX A References to Previous Rules (Repealed)

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AUTHORITY: Implementing Sections 13 and 13.3 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13, 13.3 and 27].

SOURCE: Adopted in R70-5, at 1 PCB 426, March 31, 1971; amended in R71-14, at 4 PCB 3, March 7, 1972; amended in R74-3, at 19 PCB 182, October 30, 1975; amended in R74-15, 16, at 31 PCB 405, at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended in R76-17, at 31 PCB 713, at 2 Ill. Reg. 45, p. 101, effective November 5, 1978; amended in R76-21, at 44 PCB 203, at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended in R82-5, 10, at 54 PCB 411, at 8 Ill. Reg. 1625, effective January 18, 1984; amended in R86-44 at 12 Ill. Reg. 2592, effective January 13, 1988; amended in R88-11 at 12 Ill. Reg. 13094, effective July 29, 1988; amended in R88-18 at 13 Ill. Reg. 1794, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19288, effective November 17, 1989; amended in R88-9 at 14 Ill. Reg. 3100, effective February 20, 1990; amended in R89-12 at 14 Ill. Reg. 7620, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7377, effective April 27, 1992; amended in R93-2 at 17 Ill. Reg. 19483, effective October 29, 1993; amended in R94-10 at 19 Ill. Reg. 9142, effective June 23, 1995; amended in _____ at 20 Ill. Reg. 5549, effective _____, APR 1 1996

SUBPART F: DAIRY PRODUCTS PROCESSING

Section 307.1502 Fluid Products

- a) Applicability. This Section applies to discharges resulting from the manufacture of market milk (ranging from 3.5% fat to fat-free), flavored milk (chocolate and others) and cream (of various fat concentrations, plain and whipped).
- b) Specialized definitions. The Board incorporates by reference 40 CFR 405.21 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 405.24 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 405.26 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or

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installation the construction of which commenced after December 20, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective APR 1 1996)

Section 307.1503 Cultured Products

- a) Applicability. This Section applies to discharges resulting from the manufacture of cultured products, including cultured skim milk (cultured buttermilk), yoghurt, sour cream and dips of various types.
 - b) Specialized definitions. The Board incorporates by reference 40 CFR 405.31 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
 - c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 405.34 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - d) New sources:
 - 1) The Board incorporates by reference 40 CFR 405.36 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 20, 1973.
- (Source: Amended at 20 Ill. Reg. 5549, effective APR 1 1996)

Section 307.1504 Butter

- a) Applicability. This Section applies to discharges resulting from the manufacture of butter, either by churning or continuous process.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 405.41 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 405.44 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

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- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
- 1) The Board incorporates by reference 40 CFR 405.46 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective APR 1 1996)

Section 307.1505 Cottage Cheese and Cultured Cream Cheese

- a) Applicability. This Section applies to discharges resulting from the manufacture of cottage cheese and cultured cream cheese.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 405.51 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
- c) Existing sources:
- 1) The Board incorporates by reference 40 CFR 405.54 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
- 1) The Board incorporates by reference 40 CFR 405.56 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 20, 1973.

(Source: Amended 1996 at 20 Ill. Reg. 5549, effective APR 1 1996)

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Section 307.1506 Natural and Processed Cheese

- a) Applicability. This Section applies to discharges resulting from the manufacture of natural cheese (hard curd) and processed cheese.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 405.61 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
- c) Existing sources:
- 1) The Board incorporates by reference 40 CFR 405.64 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
- 1) The Board incorporates by reference 40 CFR 405.66 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective APR 1 1996)

Section 307.1507 Fluid Mix for Ice Cream and other Frozen Desserts

- a) Applicability. This Section applies to discharges resulting from the manufacture of fluid mixes for ice cream and other frozen desserts for later freezing in other plants; it does not include freezing of the products as one of the affected operations.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 405.71 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
- c) Existing sources:
- 1) The Board incorporates by reference 40 CFR 405.74 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:

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- 1) The Board incorporates by reference 40 CFR 405.76 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective APR 1 1996)

Section 307.1508 Ice Cream, Frozen Desserts, Novelties and Other Dairy Desserts

- a) Applicability. This Section applies to discharges resulting from the manufacture of ice cream, ice milk, sherbet, water ices, stick confectations, frozen novelties products, frozen desserts, melorine, pudding and other dairy product base desserts. If fluid mixes prepared at another plant are employed, the appropriate values from Section 307.1507 should be deducted from the limitations.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 405.81 (1994) ~~†1987†~~. This incorporation includes no later amendments or editions.

- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 405.84 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1987†~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 405.86 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1987†~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective APR 1 1996)

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Section 307.1509 Condensed Milk

- a) Applicability. This Section applies to discharges resulting from the manufacture of condensed whole milk, condensed skim milk, sweetened condensed milk and condensed butter milk.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 405.91 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 405.94 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 405.96 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective APR 1 1996)

Section 307.1510 Dry Milk

- a) Applicability. This Section applies to discharges resulting from the manufacture of dry whole milk, dry skim milk, and dry buttermilk.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 405.101 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 405.104 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 405.106 (1994), as

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This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 4, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective AFR 1 1996)

Section 307.1602 Corn Dry Milling

- a) Applicability. This Section applies to discharges resulting from the process in which shelled corn is washed and subsequently milled by dry processes into such products as corn meal, grits, flour, oil and animal feed. This Section does not apply to discharges from subsequent manufacturing operations to produce expanded or extruded feed or feed products.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 406.21 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 406.24 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 406.26 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 4, 1973.

(Source: Amended AFR 1 1996 at 20 Ill. Reg. 5549 ~~≡~~, effective AFR 1 1996)

Section 307.1603 Normal Wheat Flour Milling

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- a) Applicability. This Section applies to discharges resulting from the processes in which wheat and other grains are milled by dry processes into flour and millfeed.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 406.31 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 406.34 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 406.36 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 4, 1973.

(Source: Amended at 20 Ill. Reg. 5549 ~~≡~~, effective AFR 1 1996)

Section 307.1604 Bulgur Wheat Flour Milling

- a) Applicability. This Section applies to discharges resulting from the process in which wheat is parboiled, dried and partially debraned in the production of bulgur.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 406.41 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 406.44 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 406.46 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~.

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- This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 4, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective APR 1 1996)

Section 307.1605 Normal Rice Milling

- a) Applicability. This Section applies to discharges resulting from the process in which rice is cleaned and milled by dry processes.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 406.51 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 406.54 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 406.56 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 4, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective APR 1 1996)

Section 307.1606 Parboiled Rice Milling

- a) Applicability. This Section applies to discharges resulting from the process in which rice is cleaned, cooked and dried before being milled.
- b) Specialized definitions. The Board incorporates by reference 40 CFR

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406.61 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 406.64 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 406.66 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 4, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective APR 1 1996)

Section 307.1607 Animal Feed

- a) Applicability. This Section applies to discharges resulting from the manufacturing of animal feeds (formula feed concentrate) using primarily grain and grain by-products which may be supplemented by proteins, pharmaceuticals, vitamins or mineral additives.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 406.71 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 406.76 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after September 17, 1974.

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(Source: Amended at 20 Ill. Reg. 5549, effective APR 1 1996)

Section 307.1608 Hot Cereal

- a) Applicability. This Section applies to discharges resulting from the production of various breakfast cereals from grains, principally wheat and oats, requiring cooking prior to normal human consumption.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 406.81 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:

1) The Board incorporates by reference 40 CFR 406.86 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after September 17, 1974.

(Source: Amended at 20 Ill. Reg. 5549, effective APR 1 1996)

Section 307.1609 Ready-to-eat Cereal

- a) Applicability. This Section applies to discharges resulting from the processing of various grains and other materials (whole grain wheat, rice, corn grits, oat flour, sugar and minor ingredients) to produce various breakfast cereals normally available for human consumption without cooking.

b) Specialized definitions. The Board incorporates by reference 40 CFR 406.91 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

d) New sources:

1) The Board incorporates by reference 40 CFR 406.96 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

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- 3) "New source" means any building, structure, facility or installation the construction of which commenced after September 17, 1974.

(Source: Amended at 20 Ill. Reg. 5549, effective APR 1 1996)

Section 307.1610 Wheat Starch and Gluten

- a) Applicability. This Section applies to discharges resulting from those industrial operations utilizing wheat flour as a raw material for production of wheat starch and gluten (protein) components through conventional processes of physical separation and subsequent refinement.

b) Specialized definitions. The Board incorporates by reference 40 CFR 406.101 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

d) New sources:

1) The Board incorporates by reference 40 CFR 406.106 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after September 17, 1974.

(Source: Amended at 20 Ill. Reg. 5549, effective APR 1 1996)

SUBPART H: CANNED AND PRESERVED FRUITS AND VEGETABLES

Section 307.1701 Apple Juice

- a) Applicability. This Section applies to discharges resulting from the processing of apples into apple juice or apple cider.

b) Specialized definitions. The Board incorporates by reference 40 CFR 407.11 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

c) Existing sources:

1) The Board incorporates by reference 40 CFR 407.14 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by

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reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 407.16 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after November 9, 1974.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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Section 307.1702 Apple Products

a) Applicability. This Section applies to discharges resulting from the processing of apples into apple products. The processing of apples into caustic peeled or dehydrated products is specifically excluded.

b) Specialized definitions. The Board incorporates by reference 40 CFR 407.21 (1994) †1986†. This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 407.24 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 407.26 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after November 9, 1974.

(Source: Amended 1 1986 20 Ill. Reg. _____, effective _____)

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Section 307.1703 Citrus Products

a) Applicability. This Section applies to discharges resulting from the processing of citrus into citrus products.

b) Specialized definitions. The Board incorporates by reference 40 CFR 407.31 (1994) †1986†. This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 407.34 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 407.36 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after November 9, 1974.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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Section 307.1704 Frozen Potato Products

a) Applicability. This Section applies to discharges resulting from the processing of white potatoes into frozen potato products.

b) Specialized definitions. The Board incorporates by reference 40 CFR 407.41 (1994) †1987†. This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 407.44 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †1987†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 407.46 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †1987†.

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This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after November 9, 1974.

(Source: Amended at 20 Ill. Reg. 5549, effective June 29, 1995)

Section 307.1705 Dehydrated Potato Products

- a) Applicability. This Section applies to discharges resulting from the processing of white potatoes into dehydrated potato products.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 407.51 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 407.54 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 407.56 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after November 9, 1974.

(Source: Amended at 20 Ill. Reg. 5549, effective June 29, 1995)

Section 307.1706 Canned and Preserved Fruits

- a) Applicability. This Section applies to discharges resulting from the processing of the following fruit products: apricots; canberries; sweet, sour and brined cherries; cranberries; dried fruit; grape juice; canning and pressing; olives; peaches; pears; fresh and processed

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pickles, and pickle salting stations; pineapples; plums; raisins; strawberries; and tomatoes.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 407.61 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 407.64 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 407.66 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 21, 1975.

(Source: Amended at 20 Ill. Reg. 5549, effective June 29, 1995)

Section 307.1707 Canned and Preserved Vegetables

- a) Applicability. This Section applies to discharges resulting from the processing of the following vegetable products: beets; broccoli; carrots; canned and frozen corn; dehydrated onions and garlic; dehydrated vegetables; dry beans; lima beans; mushrooms; canned onions; peas; sauerkraut canning and cutting; snap beans; spinach; squash; and canned potatoes.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 407.71 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 407.74 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources:

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- 1) The Board incorporates by reference 40 CFR 407.76 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 21, 1975.

(Source: Amended at 20 Ill. Reg. 5549 ~~≡~~ ≡, effective APR 1 1996)

Section 307.1708 Canned and Miscellaneous Specialties

- a) Applicability. This Section applies to discharges resulting from the processing of the following specialty products: added ingredients; baby food; corn, potato and tortilla chips; ethnic foods; jams and jellies; mayonnaise and dressing; soups; and tomato-starch-cheese canned specialties.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 407.81 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 407.84 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 407.86 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 407.86 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 21, 1975.

(Source: Amended at 20 Ill. Reg. 5549 ~~≡~~ ≡, effective APR 1 1996)

SUBPART I: CANNED AND PRESERVED SEAFOOD

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Section 307.1801 Farm-raised Catfish

- a) Applicability. This Section applies to discharges resulting from the processing of farm-raised catfish by existing facilities which process more than 1362 kg (3000 lbs) of raw material per day on any day during a calendar year and all new sources.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 408.11 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 408.14 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 408.16 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after February 6, 1974.

(Source: Amended at 20 Ill. Reg. 5549 ~~≡~~ ≡, effective APR 1 1996)

Section 307.1815 Fish Meal Processing Subcategory

- a) Applicability. This Section applies to discharges resulting from the processing of menhaden on the Gulf and Atlantic Coasts and the processing of anchovy on the West Coast into fish meal, oil and solubles.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 408.151 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 408.154 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such

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d) New sources:

- 1) The Board incorporates by reference 40 CFR 408.156 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after January 30, 1975.

(Source: Amended at 20 Ill. Reg. 5549, effective APR 1 1996)

SUBPART J: SUGAR PROCESSING

Section 307.1901 Beet Sugar Processing

- a) Applicability. This Section applies to discharges resulting from any operation attendant to the processing of sugar beets for the production of sugar.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 409.11 (1994) †1986†. This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 409.14 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 409.16 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after August 22, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective APR 1 1996)

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Section 307.1902 Crystalline Cane Sugar Refining

- a) Applicability. This Section applies to discharges resulting from the processing of raw cane sugar into crystalline refined sugar.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 409.21 (1994) †1986†. This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 409.24 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 409.26 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 7, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective APR 1 1996)

Section 307.1903 Liquid Cane Sugar Refining

- a) Applicability. This Section applies to discharges resulting from the processing of raw cane sugar into liquid refined sugar.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 409.31 (1994) †1986†. This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 409.34 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 409.36 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †1986†.

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This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after December 7, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective

APR 1 1986)

SUBPART L: CEMENT MANUFACTURING

Section 307.2101 Nonleaching

a) Applicability. This Section applies to discharges resulting from the process in which several mineral ingredients (limestone or other natural sources of calcium carbonate, silica, alumina, and iron together with gypsum) are used in the manufacturing of cement and in which kiln dust is not contacted with water as an integral part of the process and water is not used in wet scrubbers to control kiln stack emissions.

b) Specialized definitions. The Board incorporates by reference 40 CFR 411.11 (1994) (1997). This incorporation includes no later amendments or editions.

c) Existing sources:

1) The Board incorporates by reference 40 CFR 411.14 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 (1997). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

1) The Board incorporates by reference 40 CFR 411.16 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 (1997). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after September 7, 1973.

(Source: Amended APR 1 1986 at 20 Ill. Reg. 5549, effective

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Section 307.2102 Leaching

a) Applicability. This Section applies to discharges resulting from the process in which several mineral ingredients (limestone or other natural sources of calcium carbonate, silica, alumina, and iron together with gypsum) are used in the manufacturing of cement and in which kiln dust is contacted with water as an integral part of the process or water is used in wet scrubbers to control kiln stack emissions.

b) Specialized definitions. The Board incorporates by reference 40 CFR 411.21 (1994) (1996). This incorporation includes no later amendments or editions.

c) Existing sources:

1) The Board incorporates by reference 40 CFR 411.24 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 (1996). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

1) The Board incorporates by reference 40 CFR 411.26 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 (1996). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after September 7, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective

APR 1 1986)

Section 307.2103 Materials Storage Piles Runoff

a) Applicability. This Section applies to discharges resulting from the runoff of rainfall which derives from the storage of materials including raw materials, intermediate products, finished products and waste materials which are used in or derived from the manufacture of cement under either Section 307.2101 or 307.2102.

b) Specialized definitions. The Board incorporates by reference 40 CFR 411.31 (1994) (1996). This incorporation includes no later amendments or editions.

c) Existing sources:

1) The Board incorporates by reference 40 CFR 411.34 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 (1996).

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This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 411.36 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~.

This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after September 7, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective 1-1-96)

SUBPART M: FEEDLOTS

Section 307.2201 General

- a) Applicability. This Section applies to discharges resulting from feedlots in the following subcategories: Beef cattle -- open lots; beef cattle -- housed lots; dairy cattle -- stall barn (with milk room); dairy -- free stall barn (with milking center); dairy -- cowyards (with milking center); swine -- open dirt or pasture lots; swine -- housed, slotted floor; swine -- solid concrete floor, open or housed lot; sheep -- open lots; sheep -- housed lots; horses -- stables (race tracks); chickens -- broilers, housed; chickens -- layers (egg production), housed; chickens -- layer breeding or replacement stock; housed; turkeys -- open lots; turkeys -- housed; and for those feedlot operations within these subcategories as large or larger than the capacities given below: 1,000 slaughter steers and heifers; 700 mature dairy cattle (whether milkers or dry cows); 2,500 swine weighing over 55 pounds; 10,000 sheep; 55,000 turkeys; 100,000 laying hens or broilers when facility has unlimited continuous flow watering systems; 30,000 laying hens or broilers when facility has liquid manure handling system; 500 horses; and 1,000 animal units from a combination of slaughter steers and heifers, mature dairy cattle, swine over 55 pounds and sheep.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 412.11 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 412.14 (1994), as

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amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~.

This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 412.16 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~.

This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after September 7, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective 1-1-96)

SUBPART R: SOAP AND DETERGENTS

Section 307.2701 Soap Manufacturing by Batch Kettle

- a) Applicability. This Section applies to discharges resulting from operations in which neat soap is produced through saponification of animal and vegetable fats and oils by boiling in kettles.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.11 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 417.14 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~.

This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 417.16 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~.

This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or

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installation the construction of which commenced after December 26, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective APR 1 1996)

Section 307.2702 Fatty Acid Manufacturing by Fat Splitting

- a) Applicability. This Section applies to discharges resulting from the splitting of fats to fatty acids by hydrolysis and the subsequent processing of the fatty acids (e.g., refining and hydrogenation) to produce a suitable feed material for manufacture of soap by fatty acid neutralization.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.21 (1994) ~~†1986†~~.
- c) Existing sources:
- 1) The Board incorporates by reference 40 CFR 417.24 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources:
- 1) The Board incorporates by reference 40 CFR 417.26 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective APR 1 1996)

Section 307.2703 Soap Manufacturing by Fatty Acid Neutralization

- a) Applicability. This Section applies to discharges resulting from the manufacturing of neat soap by neutralizing refined fatty acids with an alkaline material in approximately stoichiometric amounts in batch or continuous operations.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.31 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

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c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 417.34 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 417.36 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective APR 1 1996)

Section 307.2704 Glycerine Concentration

- a) Applicability. This Section applies to discharges resulting from the concentration of sweet water from saponification or fat splitting to approximately 60 to 80 percent crude glycerine content.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.41 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 417.44 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 417.46 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or

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installation the construction of which commenced after December 26, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective APR 1 1996)

Section 307.2705 Glycerine Distillation

a) Applicability. This Section applies to discharges resulting from the production of finished glycerine of various grades (e.g., USP) through concentration from crude glycerine by means of distillation.

b) Specialized definitions. The Board incorporates by reference 40 CFR 417.51 (1994) ~~(1986)~~. This incorporation includes no later amendments or editions.

c) Existing sources:

1) The Board incorporates by reference 40 CFR 417.54 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~(1986)~~. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

1) The Board incorporates by reference 40 CFR 417.56 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~(1986)~~. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 20 Ill. Reg. 5549 ~~=~~, effective APR 1 1996)

Section 307.2706 Manufacture of Soap Flakes and Powders

a) Applicability. This Section applies to discharges resulting from all operations associated with the manufacture of soap flakes and powders, commencing with the drying of the neat soap to and including packaging of the finished flakes and powders.

b) Specialized definitions. The Board incorporates by reference 40 CFR 417.61 (1994) ~~(1986)~~. This incorporation includes no later amendments or editions.

c) Existing sources:

1) The Board incorporates by reference 40 CFR 417.64 (1994), as

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amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~(1986)~~. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

1) The Board incorporates by reference 40 CFR 417.66 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~(1986)~~. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 20 Ill. Reg. 5549 ~~=~~, effective APR 1 1996)

Section 307.2707 Manufacture of Bar Soaps

a) Applicability. This Section applies to discharges resulting from all operations associated with conversion of neat soap to finished bar soaps, including drying, milling, plodding, stamping and packaging.

b) Specialized definitions. The Board incorporates by reference 40 CFR 417.71 (1994) ~~(1986)~~. This incorporation includes no later amendments or editions.

c) Existing sources:

1) The Board incorporates by reference 40 CFR 417.74 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~(1986)~~. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

1) The Board incorporates by reference 40 CFR 417.76 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~(1986)~~. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after December 26, 1973.

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(Source: Amended at 20 Ill. Reg. **5549**, effective APR 1 1996)

Section 307.2708 Manufacture of Liquid Soaps

a) Applicability. This Section applies to discharges resulting from blending of ingredients employed in the manufacture of liquid soaps and the packaging of the finished products.

b) Specialized definitions. The Board incorporates by reference 40 CFR 417.81 (1994) (1996). This incorporation includes no later amendments or editions.

c) Existing sources:

1) The Board incorporates by reference 40 CFR 417.84 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 (1996). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

1) The Board incorporates by reference 40 CFR 417.86 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 (1996). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 20 Ill. Reg. **5549**, effective APR 1 1996)

Section 307.2709 Oleum Sulfonation and Sulfation

a) Applicability. This Section applies to discharges resulting from the manufacture of sulfonic acid and sulfuric acid esters by means of sulfonation and sulfation of raw materials, including but not limited to petroleum derived alkyls, employing oleum in either continuous or batch processes.

b) Specialized definitions. The Board incorporates by reference 40 CFR 417.91 (1994) (1996). This incorporation includes no later amendments or editions.

c) Existing sources:

1) The Board incorporates by reference 40 CFR 417.94 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 (1996). This incorporation includes no later amendments or editions.

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2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

1) The Board incorporates by reference 40 CFR 417.96 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 (1996). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 20 Ill. Reg. **5549**, effective APR 1 1996)

Section 307.2710 Air-Sulfur Trioxide Sulfation and Sulfonation

a) Applicability. This Section applies to discharges resulting from the manufacture of sulfonic acid and sulfuric acid esters by means of sulfonation and sulfonation employing air and sulfur trioxide in either continuous or batch processes.

b) Specialized definitions. The Board incorporates by reference 40 CFR 417.101 (1994) (1996). This incorporation includes no later amendments or editions.

c) Existing sources:

1) The Board incorporates by reference 40 CFR 417.104 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 (1996). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

1) The Board incorporates by reference 40 CFR 417.106 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 (1996). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after December 26, 1973.

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(Source: Amended at 20 Ill. Reg. 5549, effective APR 1 1996)

Section 307.2711 Sulfur Trioxide Solvent and Vacuum Sulfonation

- a) Applicability. This Section applies to discharges resulting from the operations in which undiluted sulfur trioxide and organic reactant are fed through a mixing nozzle into a vacuum reactor where the sulfonation of the organic reactant takes place.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.111 (1994) †996†. This incorporation includes no later amendments or editions.
- c) Existing sources:

1) The Board incorporates by reference 40 CFR 417.114 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †996†. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

1) The Board incorporates by reference 40 CFR 417.116 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †996†. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective APR 1 1996)

Section 307.2712 Sulfamic Acid Sulfation

- a) Applicability. This Section applies to discharges resulting from operations in which sulfamic acid is employed as the sulfating agent.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.121 (1994) †996†. This incorporation includes no later amendments or editions.
- c) Existing sources:

1) The Board incorporates by reference 40 CFR 417.124 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †996†. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the

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discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

1) The Board incorporates by reference 40 CFR 417.126 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †996†. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective APR 1 1996)

Section 307.2713 Chlorosulfonic Acid Sulfation

a) Applicability. This Section applies to discharges resulting from sulfation of alcohols, alkylphenols and alcohol ethoxylates utilizing chlorosulfonic acid as the sulfating agent.

b) Specialized definitions. The Board incorporates by reference 40 CFR 417.131 (1994) †996†. This incorporation includes no later amendments or editions.

c) Existing sources:

1) The Board incorporates by reference 40 CFR 417.134 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †996†. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

1) The Board incorporates by reference 40 CFR 417.136 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †996†. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective APR 1 1996)

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Section 307.2714 Neutralization of Sulfuric Acid Esters and Sulfonic Acids

- a) Applicability. This Section applies to discharges resulting from the continuous or batch neutralization of sulfated and sulfonated alkylbenzenes, alcohols and other materials to convert them to neutral salts.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.141 (1994) †1986†. This incorporation includes no later amendments or editions.
- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 417.144 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 417.146 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective APR 1 1996)

Section 307.2715 Manufacture of Spray Dried Detergents

- a) Applicability. This Section applies to discharges resulting from all operations associated with the manufacture of spray dried detergents, including but not limited to assembly and storage of raw materials, crutching, spray drying, blending (including tumble spraying or additives) and packaging.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.151 (1994) †1986†. This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:

- 1) The Board incorporates by reference 40 CFR 417.156 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

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- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective APR 1 1996)

Section 307.2716 Manufacture of Liquid Detergents

- a) Applicability. This Section applies to discharges resulting from all operations associated with the manufacture of liquid detergents, commencing with the blending of ingredients, to and including bottling or packaging finished products.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.161 (1994) †1986†. This incorporation includes no later amendments or editions.

- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 417.166 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective APR 1 1996)

Section 307.2717 Manufacturing of Detergents by Dry Blending

- a) Applicability. This Section applies to discharges resulting from operations associated with the manufacture of detergents by means of the blending of dry ingredients, including, but not limited to, blending and subsequent packaging.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.171 (1994) †1986†. This incorporation includes no later amendments or editions.

- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

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d) New sources:

- 1) The Board incorporates by reference 40 CFR 417.176 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective 1-1-96)

Section 307.2718 Manufacture of Drum Dried Detergents

- a) Applicability. This Section applies to discharges resulting from operations associated with the manufacture of detergents by drum drying, including, but not limited to, drying of formulations on heated drums or rollers, conversion of dried detergents to powders or flakes and packaging of finished products.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.181 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 417.186 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective 1-1-96)

Section 307.2719 Manufacture of Detergent Bars and Cakes

- a) Applicability. This Section applies to discharges resulting from operations associated with the manufacture of detergent bars and cakes, including, but not limited to, drying, milling, plodding, stamping and packaging.

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- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.191 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 417.194 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 417.196 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective 1-1-96)

SUBPART Y: FERROALLOY MANUFACTURING

Section 307.3401 Open Electric Furnaces with Wet Air Pollution Control Devices

- a) Applicability. This Section applies to discharges resulting from the smelting of ferroalloys in open electric furnaces with wet air pollution control devices. This subcategory includes those electric furnaces of such construction or configuration that the furnace off-gases are burned above the furnace charge level by air drawn into the system. After combustion the gases are cleaned in a wet air pollution control device, such as a scrubber, an electrostatic precipitator with water or other aqueous sprays, etc. The provisions of the Section are not applicable to noncontact cooling water or to those electric furnaces which are covered, closed, sealed or semi-covered and in which the furnace off-gases are not burned prior to collection (regulated in Section 301.3402).
- b) Specialized definitions. The Board incorporates by reference 40 CFR 424.11 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:

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- 1) The Board incorporates by reference 40 CFR 424.16 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~424.15~~ ~~†1986†~~. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 18, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective

APR 1 1996)

Section 307.3402 Covered Electric Furnaces and Other Smelting Operations with Wet Air Pollution Control Devices

- a) Applicability. This Section applies to discharges resulting from the smelting of ferroalloys in covered electric furnaces or other smelting operations, not elsewhere included in this Subpart, with wet air pollution control devices. This subcategory includes those electric furnaces of such construction or configuration (known as covered, closed, sealed, semi-covered or semi-closed furnaces) that the furnace off-gases are not burned prior to collection and cleaning, and which off-gases are cleaned after collection in a wet air pollution control device such as a scrubber, "wet" baghouse, etc. This subcategory also includes those non-electric furnace smelting operations, such as exothermic (i.e., aluminothermic or silicothermic) smelting, ferromanganese refining, etc., where these are controlled for air pollution by wet air pollution control devices. This subcategory does not include noncontact cooling water or those furnaces which utilize dry dust collection techniques, such as dry baghouses.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 424.21 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 424.26 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after October

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18, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective

APR 1 1996)

Section 307.3403 Slag Processing

- a) Applicability. This Section applies to discharges resulting from slag processing in which:
 - 1) The residual metal values in the furnace slag are recovered via concentration for return to the furnace; or

- 2) The slag is "shot" for further use.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 424.31 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 424.36 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 18, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective

APR 1 1996)

SUBPART BA: GLASS MANUFACTURING

Section 307.3601 Insulation Fiberglass

- a) Applicability. This Section applies to discharges resulting from the production of insulation fiberglass in which molten glass is either directly or indirectly made, continuously fiberized and chemically bonded into a wool-like material.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 426.11 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 426.16 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~.

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This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after August 22, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective June 29, 1995)

Section 307.3602 Sheet Glass Manufacturing

- a) Applicability. This Section applies to discharges resulting from the process in which several mineral ingredients (sand, soda ash, limestone, dolomite, cullet and other ingredients) are mixed, melted in a furnace, and drawn vertically from a melting tank to form sheet glass.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 426.21 (1994) (1986). This incorporation includes no later amendments or editions.

- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 426.24 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 426.26 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 17, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective June 29, 1995)

Section 307.3603 Rolled Glass Manufacturing

- a) Applicability. This Section applies to discharges resulting from the

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process in which several mineral ingredients (sand, soda ash, limestone, dolomite, cullet and other ingredients) are mixed, melted in a furnace and cooled by rollers to form rolled glass.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 426.31 (1994) (1986). This incorporation includes no later amendments or editions.

- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 426.34 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 426.36 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 17, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective June 29, 1995)

Section 307.3604 Plate Glass Manufacturing

- a) Applicability. This Section applies to discharges resulting from the process in which several mineral ingredients (sand, soda ash, limestone, dolomite, cullet and other ingredients) are melted in a furnace, pressed between rollers and finally ground and polished to form plate glass.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 426.41 (1994) (1986). This incorporation includes no later amendments or editions.

- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 426.44 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources:

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- 1) The Board incorporates by reference 40 CFR 426.46 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~436-45~~ ~~†1986†~~. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 17, 1973.

(Source: Amended at 20 Ill. Reg. 5549 ~~≡~~ --- effective APR 1 1996)

Section 307.3605 Float Glass Manufacturing

- a) Applicability. This Section applies to discharges resulting from the process in which several mineral ingredients (sand, soda ash, limestone, dolomite, cullet and other ingredients) are mixed, melted in a furnace and floated on a molten tin bath to produce float glass.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 426.51 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 426.56 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~436-55~~ ~~†1986†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 17, 1973.

(Source: Amended at 20 Ill. Reg. 5549 ~~≡~~ --- effective APR 1 1996)

Section 307.3606 Automotive Glass Tempering

- a) Applicability. This Section applies to discharges resulting from the processes in which glass is cut and then passed through a series of processes that grind and polish the edges, bend the glass and then temper the glass to produce side and back windows for automobiles.

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- b) Specialized definitions. The Board incorporates by reference 40 CFR 426.61 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 426.41 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 426.66 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 17, 1973.

(Source: Amended at 20 Ill. Reg. 5549 ~~≡~~ --- effective APR 1 1996)

Section 307.3607 Automotive Glass Laminating

- a) Applicability. This Section applies to discharges resulting from the processes which laminate a plastic sheet between two layers of glass, or which prepare the glass for lamination such as cutting, bending and washing, to produce automobile windshields.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 426.71 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 426.76 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 17, 1973.

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(Source: Amended at 20 Ill. Reg. 5549, effective 1996)

Section 307.3608 Glass Container Manufacturing

- a) Applicability. This Section applies to discharges resulting from the process by which raw materials are melted in a furnace and mechanically processed into glass containers.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 426.81 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:
- 1) The Board incorporates by reference 40 CFR 426.86 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after August 21, 1974.

(Source: Amended at 20 Ill. Reg. 5549, effective 1996)

Section 307.3610 Glass Tubing (Danner) Manufacturing

- a) Applicability. This Section applies to discharges resulting from the process by which raw materials are melted in a furnace and glass tubing mechanically drawn from the furnace horizontally by means of the Danner process, which requires the intermittent quenching of cullet.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 426.101 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:
- 1) The Board incorporates by reference 40 CFR 426.106 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

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- 3) "New source" means any building, structure, facility or installation the construction of which commenced after August 21, 1974.

(Source: Amended at 20 Ill. Reg. 5549, effective 1996)

Section 307.3611 Television Picture Tube Envelope Manufacturing

- a) Applicability. This Section applies to discharges resulting from the process by which raw materials are melted in a furnace and processed into television picture tube envelopes.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 426.111 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:
- 1) The Board incorporates by reference 40 CFR 426.116 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after August 21, 1974.

(Source: Amended at 20 Ill. Reg. 5549, effective 1996)

Section 307.3612 Incandescent Lamp Envelope Manufacturing

- a) Applicability. This Section applies to discharges resulting from the processes by which:
- 1) Raw materials are melted in a furnace and mechanically processed into incandescent lamp envelopes; or
 - 2) Incandescent lamp envelopes are etched with hydrofluoric acid to produce frosted envelopes.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 426.121 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:
- 1) The Board incorporates by reference 40 CFR 426.126 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~.

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This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after August 21, 1974.

(Source: Amended at 20 Ill. Reg. 5549, effective June 29, 1995)

Section 307.3613 Hand Pressed and Blown Glass Manufacturing

a) Applicability. This Section applies to discharges resulting from the process by which raw materials are melted in a furnace and processed by hand into pressed or blown glassware. This includes those plants which:

- 1) Produce leaded glass and employ hydrofluoric acid finishing techniques;
- 2) Produce non-leaded glass and employ hydrofluoric acid finishing techniques; or
- 3) Produce leaded or non-leaded glass and do not employ hydrofluoric acid finishing techniques.

b) Specialized definitions. The Board incorporates by reference 40 CFR 426.131 (1994) (1986). This incorporation includes no later amendments or editions.

c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 426.136 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after August 21, 1974.

(Source: Amended at 20 Ill. Reg. 5549, effective June 29, 1995)

SUBPART BB: ASBESTOS MANUFACTURING

Section 307.3701 Asbestos-Cement Pipe

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a) Applicability. This Section applies to discharges resulting from the process in which asbestos, Portland cement, silica and other ingredients are used in the manufacturing of asbestos-cement pipe.

b) Specialized definitions. The Board incorporates by reference 40 CFR 427.11 (1994) (1986). This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 427.14 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 427.16 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after October 30, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective June 29, 1995)

Section 307.3702 Asbestos-Cement Sheet

a) Applicability. This Section applies to discharges resulting from the process in which asbestos, Portland cement, silica and other ingredients are used in the manufacturing of asbestos-cement sheets. Discharges resulting from manufacture of asbestos-cement sheet laboratory tops are specifically excluded from the provisions of this Section.

b) Specialized definitions. The Board incorporates by reference 40 CFR 427.21 (1994) (1986). This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 427.24 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

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d) New sources:

- 1) The Board incorporates by reference 40 CFR 427.26 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 30, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective 6/29/1996)

Section 307.3703 Asbestos Paper (Starch Binder)

- a) Applicability. This Section applies to discharges resulting from the process in which asbestos, starch binders and other ingredients are used in the manufacture of asbestos paper (starch binder).
- b) Specialized definitions. The Board incorporates by reference 40 CFR 427.31 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 427.34 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 427.36 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 30, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective 6/29/1996)

Section 307.3704 Asbestos Paper (Elastomeric Binder)

- 1) The Board incorporates by reference 40 CFR 427.56 (1994), as

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- a) Applicability. This Section applies to discharges resulting from the process in which asbestos, elastomeric binder and other ingredients are used in the manufacture of asbestos paper (elastomeric binder).
- b) Specialized definitions. The Board incorporates by reference 40 CFR 427.41 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 427.44 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 427.46 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 30, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective 6/29/1996)

Section 307.3705 Asbestos Millboard

- a) Applicability. This Section applies to discharges resulting from the process in which asbestos in combination with various other materials such as cement, starch, clay, lime and mineral wool are used in the manufacture of asbestos millboard.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 427.51 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 427.54 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 427.56 (1994), as

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amended at 60 Fed. Reg. 33926 effective June 29, 1995 †1996†. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 30, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective 1996)

Section 307.3706 Asbestos Roofing

- a) Applicability. This Section applies to discharges resulting from the process in which asbestos paper is saturated with asphalt or coal tar with the subsequent application of various surface treatments to produce asbestos roofing products.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 427.61 (1994) †1996†. This incorporation includes no later amendments or editions.

- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 427.64 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †1996†. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 427.66 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †1996†. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 30, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective 1996)

Section 307.3707 Asbestos Floor Tile

- a) Applicability. This Section applies to discharges resulting from the

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process in which asbestos, polyvinyl chloride resin, chemical stabilizers, limestone and other fillers are used in the manufacture of asbestos floor tile.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 427.71 (1994) †1996†. This incorporation includes no later amendments or editions.

- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 427.74 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †1996†. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 427.76 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †1996†. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 30, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective 1996)

Section 307.3708 Coating or Finishing of Asbestos Textiles

- a) Applicability. This Section applies to discharges resulting from the process of coating or impregnating asbestos textiles with materials which impart specific desired qualities to the finished product.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 427.81 (1994) †1996†. This incorporation includes no later amendments or editions.

- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 427.86 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †1996†. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or

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installation the construction of which commenced after August 29, 1974.

(Source: Amended at 20 Ill. Reg. 5549, effective June 29, 1995)

Section 307.3709 Solvent Recovery

- a) Applicability. This Section applies to discharges resulting from the process of solvent recovery in the manufacture of asbestos products.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 427.91 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 427.96 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after August 29, 1974.

(Source: Amended at 20 Ill. Reg. 5549, effective June 29, 1995)

Section 307.3710 Vapor Absorption

- a) Applicability. This Section applies to discharges resulting from the removal of volatilized organic materials from atmospheric emissions by means of wet scrubbers.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 427.101 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 427.106 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

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- 3) "New source" means any building, structure, facility or installation the construction of which commenced after August 29, 1974.

(Source: Amended at 20 Ill. Reg. 5549, effective June 29, 1995)

Section 307.3711 Wet Dust Collection

- a) Applicability. This Section applies to discharges resulting from the removal of dust (particulates) from atmospheric emissions by means of wet scrubbers.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 427.111 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 427.116 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after August 29, 1974.

(Source: Amended at 20 Ill. Reg. 5549, effective June 29, 1995)

SUBPART BC: RUBBER MANUFACTURING

Section 307.3801 Tire and Inner Tube Plants

- a) Applicability. This Section applies to discharges resulting from the production of pneumatic tires and inner tubes in tire and inner tube plants.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 428.11 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 428.16 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

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- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 18, 1979.

(Source: Amended APR 1 1996 at 20 Ill. Reg. 5549, effective APR 1 1996)

Section 307.3804 Latex Rubber

- a) Applicability. This Section applies to discharges resulting from the manufacture of latex rubber.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 428.41 (1994) (1986). This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:

- 1) The Board incorporates by reference 40 CFR 428.46 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 18, 1979.

(Source: Amended APR 1 1996 at 20 Ill. Reg. 5549, effective APR 1 1996)

Section 307.3805 Small-Sized General Molded, Extruded and Fabricated Rubber Plants

- a) Applicability. This Section applies to discharges resulting from the production of molded, extruded or fabricated rubber products, foam rubber backing, rubber cement-dipped goods or retreaded tires by small-sized plants. Specifically excluded from this Section are discharges resulting from the production of latex-based products, tires and inner tubes, and those discharges from textile plants subject to Subpart K.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 428.51 (1994) (1986). This incorporation includes no later amendments or editions.

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- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:

- 1) The Board incorporates by reference 40 CFR 428.56 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 18, 1979.

(Source: Amended APR 1 1996 at 20 Ill. Reg. 5549, effective APR 1 1996)

Section 307.3806 Medium-Sized General Molded, Extruded and Fabricated Rubber Plants

- a) Applicability. This Section applies to discharges resulting from the production of molded, extruded or fabricated rubber products, foam rubber backing, rubber cement-dipped goods or retreaded tires by medium-sized plants. Specifically excluded from this Section are discharges resulting from the production of latex-based products, tires and inner tubes, and discharges from textile plants subject to the provisions of Subpart K.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 428.61 (1994) (1986). This incorporation includes no later amendments or editions.

- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:

- 1) The Board incorporates by reference 40 CFR 428.66 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 18, 1979.

(Source: Amended APR 1 1996 at 20 Ill. Reg. 5549, effective APR 1 1996)

Section 307.3807 Large-Sized General Molded, Extruded, and Fabricated Rubber

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Plants

- a) Applicability. This Section applies to discharges resulting from the production of molded, extruded or fabricated rubber products, foam rubber backing, rubber cement-dipped goods or retreaded tires by large-sized plants. Specifically excluded from this Section are discharges resulting from the production of latex-based products, tires and inner tubes, and discharges from textile plants subject to Subpart K.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 428.71 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:

1) The Board incorporates by reference 40 CFR 428.76 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after December 18, 1979.

(Source: Amended at 20 Ill. Reg. 5549, effective 1-1-96)

Section 307.3808 Wet Digestion Reclaimed Rubber

- a) Applicability. This Section applies to discharges resulting from the production of reclaimed rubber by use of the wet digestion process.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 428.81 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:

1) The Board incorporates by reference 40 CFR 428.86 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after December

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18, 1979.

(Source: Amended at 20 Ill. Reg. 5549, effective 1-1-96)

Section 307.3809 Pan, Dry Digestion and Mechanical Reclaimed Rubber

a) Applicability. This Section applies to discharges resulting from the production of reclaimed rubber except when produced by the wet digestion process.

b) Specialized definitions. The Board incorporates by reference 40 CFR 428.91 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

d) New sources:

1) The Board incorporates by reference 40 CFR 428.96 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after December 18, 1979.

(Source: Amended at 20 Ill. Reg. 5549, effective 1-1-96)

Section 307.3810 Latex-Dipped, Latex-Extruded and Latex-Molded Rubber

a) Applicability. This Section applies to discharges resulting from the manufacture of latex-dipped, latex-extruded or latex-molded products with the exception of discharges from textile plants subject to Subpart K.

b) Specialized definitions. The Board incorporates by reference 40 CFR 428.101 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

d) New sources:

1) The Board incorporates by reference 40 CFR 428.106 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such

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standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 18, 1979.

(Source: Amended at 20 Ill. Reg. 5549, effective June 29, 1995)

Section 307.3811 Latex Foam

- a) Applicability. This Section applies to discharges resulting from the manufacture of latex foam except for discharges from textile plants subject to Subpart K.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 428.111 (1994) (1986). This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:

- 1) The Board incorporates by reference 40 CFR 428.116 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 18, 1979.

(Source: Amended at 20 Ill. Reg. 5549, effective June 29, 1995)

SUBPART BG: MEAT PRODUCTS

Section 307.4201 Simple Slaughterhouse

- a) Applicability. This Section applies to discharges resulting from the production of red meat carcasses, in whole or part, by simple slaughterhouses.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 432.11 (1994) (1986). This incorporation includes no later amendments or editions.
- c) Existing sources:
- 1) The Board incorporates by reference 40 CFR 432.14 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by

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reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 432.16 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 29, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective June 29, 1995)

Section 307.4202 Complex Slaughterhouse

- a) Applicability. This Section applies to discharges resulting from the production of red meat carcasses, in whole or part, by complex slaughterhouses.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 432.21 (1994) (1986). This incorporation includes no later amendments or editions.
- c) Existing sources:
- 1) The Board incorporates by reference 40 CFR 432.24 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 432.26 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 29, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective June 29, 1995)

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Section 307.4203 Low-Processing Packinghouse

- a) Applicability. This Section applies to discharges resulting from the production of red meat carcasses in whole or part, by low-processing packinghouses.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 432.31 (1994) †1986†. This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 432.34 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 432.36 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 29, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective June 1, 1996)

Section 307.4204 High-Processing Packinghouse

- a) Applicability. This Section applies to discharges resulting from the production of red meat carcasses, in whole or part, by high-processing packinghouses.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 432.41 (1994) †1986†. This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 432.44 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:

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- 1) The Board incorporates by reference 40 CFR 432.46 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after October 29, 1973.

(Source: Amended at 20 Ill. Reg. 5549, effective April 1, 1996)

Section 307.4205 Small Processor

- a) Applicability. This Section applies to discharges resulting from the production of finished meat products such as fresh meat cuts, smoked products, canned products, hams, sausages, luncheon meats or similar products by a small processor.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 432.51 (1994) †1986†. This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:

- 1) The Board incorporates by reference 40 CFR 432.56 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after August 28, 1974.

(Source: Amended at 20 Ill. Reg. 5549, effective April 1, 1996)

Section 307.4206 Meat Cutter

- a) Applicability. This Section applies to discharges resulting from the fabrication or manufacture of fresh meat cuts such as steaks, roasts, chops, etc. by a meat cutter.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 432.61 (1994) †1986†. This incorporation includes no later amendments or editions.

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- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:

1) The Board incorporates by reference 40 CFR 432.66 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~.

This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after August 28, 1974.

(Source: Amended at 20 Ill. Reg. 5549, effective April 1 1996)

Section 307.4207 Sausage and Luncheon Meats Processor

- a) Applicability. This Section applies to discharges resulting from the manufacture of fresh meat cuts, sausage, bologna and other luncheon meats by a sausage and luncheon meat processor.

b) Specialized definitions. The Board incorporates by reference 40 CFR 432.71 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

d) New sources:

1) The Board incorporates by reference 40 CFR 432.76 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~.

This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after August 28, 1974.

(Source: Amended at 20 Ill. Reg. 5549, effective April 1 1996)

Section 307.4208 Ham Processor

- a) Applicability. This Section applies to discharges resulting from the manufacture of hams alone or in combination with other finished products by a ham processor.

b) Specialized definitions. The Board incorporates by reference 40 CFR

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432.81 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

d) New sources:

1) The Board incorporates by reference 40 CFR 432.86 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after August 28, 1974.

(Source: Amended at 20 Ill. Reg. 5549, effective April 1 1996)

Section 307.4209 Canned Meats Processor

a) Applicability. This Section applies to discharges resulting from the manufacture of canned meats, alone or in combination with any other finished products, by a canned meats processor.

b) Specialized definitions. The Board incorporates by reference 40 CFR 432.91 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

d) New sources:

1) The Board incorporates by reference 40 CFR 432.96 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after August 28, 1974.

(Source: Amended at 20 Ill. Reg. 5549, effective April 1 1996)

Section 307.4210 Renderer

- a) Applicability. This Section applies to discharges resulting from the manufacture of meat meal, dried animal by-product residues (tankage),

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animal oils, grease and tallow, perhaps including hide curing, by a renderer.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 432.101 (1994) †1986†. This incorporation includes no later amendments or editions.

- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 432.106 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after August 28, 1974.

(Source: Amended at 20 Ill. Reg. 5549, effective APR 1 1995)

SUBPART BR: PAVING AND ROOFING MATERIALS (TARS AND ASPHALT)

Section 307.5301 Asphalt Emulsion

- a) Applicability. This Section applies to discharges resulting from the production of asphalt paving and roofing emulsions.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 443.11 (1994) †1986†. This incorporation includes no later amendments or editions.

- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 443.16 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after January 10, 1975.

(Source: Amended at 20 Ill. Reg. 5549, effective APR 1 1995)

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Section 307.5302 Asphalt Concrete

- a) Applicability. This Section applies to discharges resulting from the production of asphalt concrete.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 443.21 (1994) †1986†. This incorporation includes no later amendments or editions.

- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 443.26 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after January 10, 1975.

(Source: Amended at 20 Ill. Reg. 5549, effective APR 1 1995)

Section 307.5303 Asphalt Roofing

- a) Applicability. This Section applies to discharges resulting from the production of asphalt roofing materials.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 443.31 (1994) †1986†. This incorporation includes no later amendments or editions.

- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 443.36 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 †1986†. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after January 10, 1975.

(Source: Amended at 20 Ill. Reg. 5549, effective APR 1 1995)

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Section 307.5304 Linoleum and Printed Asphalt Felt

- a) Applicability. This Section applies to discharges resulting from the production of linoleum and printed asphalt felt floor coverings.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 443.41 (1994) (1986). This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:
- 1) The Board incorporates by reference 40 CFR 443.46 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after January 10, 1975.

(Source: Amended at 20 Ill. Reg. 5549, effective _____)

SUBPART BU: PAINT FORMULATING

Section 307.5601 Oil-Base Solvent Wash Paint

- a) Applicability. This Section applies to discharges resulting from the production of oil-base paint where the tank cleaning is performed using solvents.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 446.11 (1994) (1986). This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:
- 1) The Board incorporates by reference 40 CFR 446.16 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after February 26, 1975.

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Section 307.5701 Oil-Base Solvent Wash Ink

(Source: Amended at 20 Ill. Reg. 5549, effective _____)

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SUBPART BV: INK FORMULATING

Section 307.5701 Oil-Base Solvent Wash Ink

- a) Applicability. This Section applies to discharges resulting from the production of oil-base ink where the tank washing system uses solvents.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 447.11 (1994) (1986). This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:
- 1) The Board incorporates by reference 40 CFR 447.16 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after February 26, 1975.

(Source: Amended at 20 Ill. Reg. 5549, effective _____)

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SUBPART CG: CARBON BLACK MANUFACTURING

Section 307.6801 Carbon Black Furnace Process

- a) Applicability. This Section applies to discharges resulting from production of carbon black by the furnace process.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 458.11 (1994) (1986). This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:
- 1) The Board incorporates by reference 40 CFR 458.16 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 (1986). This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such

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standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after May 18, 1976.

(Source: Amended at 20 Ill. Reg. 5549, effective

Section 307.6802 Carbon Black Thermal Process

- a) Applicability. This Section applies to discharges resulting from the production of carbon black by the thermal process.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 458.21 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.
- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.
- d) New sources:

- 1) The Board incorporates by reference 40 CFR 458.26 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after May 18, 1976.

(Source: Amended at 20 Ill. Reg. 5549, effective

Section 307.6803 Carbon Black Channel Process

- a) Applicability. This Section applies to discharges resulting from the production of carbon black by the channel process.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 458.31 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 458.36 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such

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standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after May 18, 1976.

(Source: Amended at 20 Ill. Reg. 5549, effective

Section 307.6804 Carbon Black Lamp Process

- a) Applicability. This Section applies to discharges resulting from the production of carbon black by the lamp process.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 458.41 (1994) ~~†1986†~~. This incorporation includes no later amendments or editions.

- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 458.46 (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995 ~~†1986†~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after May 18, 1976.

(Source: Amended at 20 Ill. Reg. 5549, effective

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- 1) Heading of the Part: Special Waste Hauling
- 2) Code Citation: 35 Ill. Adm. Code 809
- 3) Section Numbers: Adopted Action:
809.401 Amended
- 4) Statutory Authority: 5 ILCS 100/5-15 and 415 ILCS 5/5
- 5) Effective Date of Rulemaking: March 27, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: March 7, 1996
- 9) Notice of Proposal Published in Illinois Register: First notice of the proposed rule was published in 19 Ill. Reg. 13182 (September 22, 1995).
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rule allows the owner/operators of vehicles that transport special waste to maintain the special waste hauling permit issued by the Illinois Environmental Protection Agency within the vehicle rather than require that a permit number be displayed on the vehicle's exterior.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Amy C. Hoogasian
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street
Chicago, IL 60601
(312) 814-8917

The full text of the Adopted Amendment begins on the next page:

ILLINOIS POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER I: SOLID WASTE AND SPECIAL WASTE HAULING

PART 809
SPECIAL WASTE HAULING

SUBPART A: GENERAL PROVISIONS

Section
809.101
809.102
809.103

Authority, Policy and Purposes
Severability
Definitions

SUBPART B: SPECIAL WASTE HAULING PERMITS

Section
809.201
809.202
809.203

Special Waste Hauling Permits - General
Applications for Special Waste Hauling Permit - Contents
Applications for Special Waste Hauling Permit - Signatures and Authorization

809.204

Applications for Special Waste Hauling Permit - Filing and Final Action by the Agency

809.205
809.206
809.207
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809.210
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Special Waste Hauling Permit Conditions
Special Waste Hauling Permit Revision
Transfer of Special Waste Hauling Permits
Special Waste Hauling Permit Revocation
Permit NO Defense
General Exemption from Special Waste Hauling Permit Requirements
Exemptions for Special Waste Haulers

SUBPART C: DELIVERY AND ACCEPTANCE

Section
809.301
809.302

Requirements for Delivery of Special Waste to Haulers
Requirements for Acceptance of Special Waste from Haulers

SUBPART D: VEHICLE NUMBERS AND SYMBOLS

Section
809.401
809.402

Vehicle Numbers
Special Waste Symbols

SUBPART E: MANIFESTS, RECORDS AND REPORTING

Section
809.501

Manifests, Records, Access to Records, Reporting Requirements and

ILLINOIS POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Forms

SUBPART F: DURATION OF PERMITS AND TANK NUMBERS

Section 809.601 Duration of Special Waste Hauler Permits and Tank Numbers

SUBPART G: EMERGENCY CONTINGENCIES FOR SPILLS

Section 809.701 General Provision

SUBPART H: EFFECTIVE DATES

Section 809.801 Compliance Date
809.802 Exceptions

SUBPART I: HAZARDOUS (INFECTIOUS) HOSPITAL WASTE

Section 809.901 Definitions (Repealed)
809.902 Disposal Methods (Repealed)
809.903 Rendering Innocuous by Sterilization (Repealed)
809.904 Rendering Innocuous by Incineration (Repealed)
809.905 Recordkeeping Requirements for Generators (Repealed)
809.906 Defense to Enforcement Action (Repealed)

APPENDIX A Old Rule Numbers Referenced

AUTHORITY: Implementing Sections 5, 10, 13 and 22 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 10, 13, 22 and 27].

SOURCE: Adopted in R76-10, 33 PCB 131, at 3 Ill. Reg. 13, p. 155, effective March 31, 1979; emergency amendment in R76-10, 39 PCB 175, at 4 Ill. Reg. 34, p. 214, effective August 7, 1980, for a maximum of 150 days; emergency amendment in R80-19, 40 PCB 159, at 5 Ill. Reg. 270, effective January 1, 1981, for a maximum of 150 days; amended in R77-12(B), 41 PCB 369, at 5 Ill. Reg. 6384, effective May 28, 1981; amended in R80-19, 41 PCB 459, at 5 Ill. Reg. 6378, effective May 31, 1981; codified in R81-9, 53 PCB 269, at 7 Ill. Reg. 13640, effective September 30, 1983; recodified in R84-5, 58 PCB 267, from Subchapter h to Subchapter i at 8 Ill. Reg. 13198; amended in R89-13A at 14 Ill. Reg. 14076, effective August 15, 1990; amended in R91-18 at 16 Ill. Reg. 130, effective January 1, 1992; amended in R95-11 at 20 Ill. Reg. 50.3 Reg. effective January 1, 1996.

SUBPART D: VEHICLE NUMBERS AND SYMBOLS

ILLINOIS POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 809.401 Vehicle Numbers

The owner and operator of any vehicle, except truck tractors as defined in Subpart A, which is used to transport special waste shall list each such vehicle on the special waste hauling permit application. Upon issuance of a special waste hauling permit, the owner and operator of any such vehicle used to transport special waste shall maintain within the vehicle a legible photocopy of the special waste hauling permit. Issuance of the special waste hauling permit shall be disclosed by the owner and operator of the vehicle to any representative of the State of Illinois (including, but not limited to, the Agency), any generator(s) of the special waste, or any treatment, storage, or disposal facility which has handled, is handling, or will handle the special waste. Upon request by such representative, the photocopy shall be made available by the owner and operator of the vehicle for review. The owner and operator of the vehicle shall also comply with any otherwise applicable federal regulations. Upon issuance of a special waste hauling permit, the owner and operator of any vehicle used to transport special waste except truck tractors as defined in Subpart A shall display a number issued by the Agency on opposite sides of the permitted vehicle following the word "Special Waste Hauler" in numbers and letters shall not be less than two inches high and shall be removable only by destruction. Directly adjacent to said words and number, the vehicle owner and operator shall display a seat furnished by the Agency which shall designate the date on which the permit was issued.

(Source: Amended at 20 Ill. Reg. 5635, effective MAR 27 1996)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

1) Heading of the Part: Naprapathic Practice Act

2) Code Citation: 68 Ill. Adm. Code 1295

3) Section Numbers: Adopted Action:

1295.05	New Section
1295.10	New Section
1295.20	New Section
1295.30	New Section
1295.40	New Section
1295.50	New Section
1295.60	New Section
1295.70	New Section
1295.110	New Section

4) Statutory Authority: Implementing the Naprapathic Practice Act [225 ILCS 63]

5) Effective Date of Rules: April 2, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Rules contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: April 2, 1996

9) Date Notice of Proposal Published in Illinois Register: January 19, 1996,
at 20 Ill. Reg. 1124

10) Has JCAR issued a Statement of Objections to these Rules? No

11) Difference(s) between proposal and final version: No substantive changes were made to the proposed version. The only changes involved spelling and style.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreement letter with JCAR was necessary for this rulemaking.

13) Will these Amendments replace Emergency Amendments currently in effect?
No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Rules: Public Act 87-1231, effective July 1, 1993, as amended by P.A. 89-0061, effective June 30, 1995, provides for the licensure of naprapaths by the Department of Professional Regulation. The General Assembly provided funding for FY 1996 to begin implementation of

DEPARTMENT OF PROFESSIONAL REGULATION

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the Act. When adopted, these rules will allow the Department to begin processing licensure applications. A grandfather period for licensure will run through June 30, 1998.

16) Information and questions regarding this adopted part shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0800 Fax: 217/782-7645

The full text of the Adopted Rules begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1295
 NAPRAPATHIC PRACTICE ACT

Section	Application for Licensure as a Naprapath under Section 65 of the Act (Grandfather)
1295.05	Approved Naprapathy Program
1295.10	Application for Licensure on the Basis of Examination
1295.20	Examination
1295.30	Endorsement
1295.40	Renewals
1295.50	Inactive Status
1295.60	Restoration
1295.70	Granting Variances
1295.110	

AUTHORITY: Implementing the Naprapathic Practice Act [225 ILCS 63] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 20 Ill. Reg. 5639, effective APR 2, 1996.

Section 1295.05 Application for Licensure as a Naprapath under Section 65 of the Act (Grandfather)

- a) Any person seeking a license under Section 65 of the Naprapathic Practice Act (the Act) shall file an application with the Department of Professional Regulation (the Department), on forms provided by the Department. The application shall be postmarked no later than June 30, 1998, and shall include the following:

- 1) Verification of:
 - A) Employment as a naprapath for remuneration for at least 10 years prior to June 30, 1995. Employment shall be documented by one or more of the following:
 - i) Certification of experience, on forms provided by the Department, signed and notarized under oath by an employer; or
 - ii) Three affidavits submitted by colleagues familiar with the applicant's work;
 - B) Graduation from a naprapathic program approved pursuant to Section 1295.10 of this Part; and
 - C) Clinical skills as follows:
 - i) Documentation of attendance for a minimum of 60 hours

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of clinical education in naprapathy within the last 5 years. Programs shall have been offered by, but not limited to, organizations such as the American Naprapathic Association, Chicago National College of Naprapathy and Illinois Naprapathic Association; or

ii) Successful completion of the written clinical competency examination set forth in Section 1295.30 of this Part.

- 2) A complete work history since graduation from a naprapathic program approved pursuant to Section 1295.10 of this Part.
- 3) The required fee set forth in Section 85(a) of the Act.
- 4) Certification, on forms provided by the Department, from all jurisdictions in which the applicant has ever been licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license; and
 - B) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

b) When the accuracy of any submitted documentation or experience is questioned by the Department or the Naprapathic Examining Committee (the Committee) because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Committee to explain relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

c) If upon review the clinical skills of the applicant are determined by the Committee not to meet requirements set forth in subsection (a)(1)(C)(ii) above, the applicant shall be required to take the clinical competency examination set forth in Section 1295.20 of this Part.

Section 1295.10 Approved Naprapathy Program

The Department shall, upon the recommendation of the Committee, approve a naprapathy program if it meets the following minimum criteria:

- a) The curriculum in naprapathy shall be a 4-year academic program in a minimum of 3 calendar years and provide for the equivalent of 2 calendar years of academic work and one calendar year of clinical experience.
 - 1) Academic work shall be a minimum of 130 credit hours, including:
 - A) 66 credit hours in basic sciences (e.g., anatomy, physiology, pathology, kinesiology, neurology, biochemistry) specialized for the study of connective tissue; and
 - B) 64 credit hours in clinical sciences, to include but not be limited to the major areas of:

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- i) Naprapathic Sciences.
- ii) Naprapathic theory and application: Oakley Smith method of chartology, chondrosis, directopanning, naprapathic technique, connective tissue manipulation; therapeutic and rehabilitative exercise; postural counseling; nutritional counseling; evaluation procedures; physical agents and related modalities; electrotherapy; connective tissue massage; accessory techniques/adjuvatives; assistive devices; practice management psychology; and professional issues.

2) Clinical experience shall be a minimum of 60 credit hours, including:

- A) 1000 contact hours served in the clinic; and
- B) 350 full-credit evaluations.

3) The school shall:

- A) Admit only students who have completed at a minimum a 2-year college level program of general education (60 semester or 90 quarter hours) from an accredited institution of higher education.
 - B) Be legally recognized and authorized by the jurisdiction in which it is located to confer a doctor of naprapathy degree.
 - C) Have a faculty that comprises a sufficient number of full-time instructors to make certain the educational obligations to students are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in their area(s) of teaching from professional colleges and institutions.
 - D) Maintain permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.
- b) Until June 30, 1998, an applicant may receive an equivalent of 3 semester hours of college course work for each year of naprapathic practice.
- c) In determining whether a program should be approved, the Department shall take into consideration but not be bound by accreditation from the American Naprapathic Association (ANA).
- d) Recommendation of Approval
- 1) The Department, upon recommendation of the Committee, has determined that all naprapathic programs accredited by the ANA as of January 1, 1996, meet the minimum criteria set forth in subsection (a) above and, therefore, are approved.
 - 2) In the event of a decision by the ANA to suspend, withdraw or revoke accreditation of any naprapathic program, the Committee shall proceed to evaluate the program and either approve or disapprove it in accordance with subsection (a) above.

Section 1295.20 Application for Licensure on the Basis of Examination

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- a) An applicant for a naprapath license by examination shall apply on forms approved by the Department at least 60 days prior to an examination date. The application shall include:
 - 1) An official transcript indicating the completion of a 2 year degree or its equivalent at an accredited college or university;
 - 2) Certification and/or transcript of successful completion of a naprapathic program signed by the director of the approved naprapathic program or other authorized college official and bearing the seal of the college;
 - 3) Proof of successful passage of Part I and Part II of the National Board of Naprapathic Examiners examination;
 - 4) A complete work history indicating all employment since graduation from a naprapathy program; and
 - 5) The required fee specified in Section 85(a) of the Act.
- b) If supporting documentation for the application is not in English, a certified translation must be included.
- c) If the applicant has ever been licensed/registered in another jurisdiction, he/she shall also submit a certification, on forms provided by the Department, from all jurisdictions in which the applicant has ever been licensed, stating:
 - 1) The time during which the applicant was registered/licensed in that jurisdiction, including the date of the original issuance of the license;
 - 2) A description of the examination in that jurisdiction; and
 - 3) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant shall be requested to:
 - 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Committee to explain relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

Section 1295.30 Examination

- a) The examination for licensed naprapaths shall be the Illinois Written Clinical Competency Examination.
- b) Grades shall be reported as pass or fail.
- c) If an applicant neglects, fails or refuses to take an examination within 3 years after filing an application, the application shall be denied.
- d) Any applicant who has been unsuccessful in 3 examinations conducted in this State or any other jurisdiction shall be deemed ineligible for further examination until he/she submits certification of education, on forms supplied by the Department, to the Committee, subsequent to

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the third failure, that the applicant has successfully completed:

- 1) A course of clinical education of not less than 3 months on a full-time basis under the direct, on site, personal supervision of a licensed naprapath in conjunction with an approved program of naprapathy; or
- 2) A course of study of not less than 48 classroom hours in an approved program of naprapathy; or
- 3) Not less than 3 months of full-time, not for pay, on site training, supervised by a licensed naprapath in a clinical setting in Illinois. An affidavit signed by the supervisor shall be submitted to the Department to verify training.
- e) Any person licensed in Illinois as a naprapath shall not be admitted to the examination. However, in no way shall this provision limit the Department's ability to require reexaminations for restoration or enforcement purposes.

Section 1295.40 Endorsement

a) An applicant who is licensed/registered under the laws of another jurisdiction who wishes to be licensed in Illinois as a naprapath shall file an application with the Department, on forms provided by the Department, which includes:

- 1) Certification of meeting education requirements as set forth in Section 1295.10 of this Part or the education requirements in effect at the time of original licensure;
 - 2) Certification from all jurisdictions in which the applicant has been licensed, stating the time during which the applicant was licensed in that jurisdiction, whether the file on the applicant contains any disciplinary actions taken or pending, and the applicant's license number;
 - 3) A report of the applicant's examination record forwarded directly from the test reporting service;
 - 4) Complete work history since graduation from a naprapathy program approved pursuant to Section 1295.10 of this Part; and
 - 5) The required fee specified in Section 85 of the Act.
- b) The Department shall examine each endorsement application to determine whether the requirements and examination in the jurisdiction at the date of licensing were substantially equivalent to the requirements and examination then in force in this State and whether the applicant has otherwise complied with the Act.
- c) The Department shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reasons for the denial of the application.

Section 1295.50 Renewals

- a) Every naprapath license issued under the Act shall expire on December 31 of each even numbered year. The holder of a license may renew such

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license during the month preceding the expiration date by paying the required fee.

- b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee.
- c) Practicing or offering to practice on a license that has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 120 of the Act.

Section 1295.60 Inactive Status

a) Licensed naprapaths who notify the Department, on forms provided by the Department, may place their licenses on inactive status and shall be excused from paying renewal fees until they notify the Department in writing of the intention to resume active practice.

b) Any licensed naprapath seeking restoration from inactive status shall pay the current renewal fee specified in Section 85(c) of the Act and have the license restored in accordance with Section 1295.70 of this Part.

c) Any naprapath whose license is on inactive status shall not use the title "licensed naprapath" or practice naprapathy in the State of Illinois. Any person violating this subsection shall be considered to be practicing without a license and shall be subject to the disciplinary provisions of the Act.

Section 1295.70 Restoration

a) Any naprapath whose license has expired for 5 years or less may have the license restored by paying the fees required by Section 85(d) of the Act.

b) Any person seeking restoration of a license that has been expired for more than 5 years shall file an application, on forms supplied by the Department, for review by the Committee, together with the fee required by Section 85(e) of the Act. The applicant also shall submit one of the following:

- 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of active practice; or
- 2) An affidavit attesting to military service as provided in Section 70 of the Act; or
- 3) Proof of passage of the naprapath examination set forth in Section 1295.30 of this Part during the period the license was lapsed or on inactive status; or
- 4) Evidence of completion of:
 - A) 80 contact hours, certified by the school, of clinical training under the supervision of a licensed naprapath or

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100 hours of continuing education in naprapathy or any combination thereof approved by the Committee for an applicant whose license has lapsed or been on inactive status for 6 to 10 years.

- B) 160 contact hours, certified by the school, of clinical training under the supervision of a licensed naprapath or 200 hours of continuing education in naprapathy or any combination thereof approved by the Committee for an applicant whose license has lapsed or been on inactive status for 10 years or more.

- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Committee to explain relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

- d) Upon recommendation of the Committee and approval by the Director, an applicant shall have the license restored or be notified in writing of the reason for denying the application.

Section 1295.110 Granting Variances

- a) The Director may grant variances from this Part in individual cases where he or she finds that:

- 1) The provision from which the variance is granted is not statutorily mandated;
- 2) No party will be injured by the granting of the variance; and
- 3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

- b) The Director shall notify the Committee of the granting of the variance, and the reasons therefor, at the next meeting of the Committee.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Aid to Families with Dependent Children
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Number: 112.303
Adopted Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and P. A. 89-289

- 5) Effective Date of Amendments: March 30, 1996

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these Amendments contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: March 30, 1996

- 9) Notice of Proposal Published in Illinois Register: October 6, 1995 (19 Ill. Reg. 13759)

- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

- 11) Differences between proposal and final version: No changes were made to the text of the proposed amendments.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these Amendments replace Emergency Amendments currently in effect? Yes

- 14) Are there any Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
112.30	Amendment	February 9, 1996 (20 Ill. Reg. 2336)
112.65	New Section	September 15, 1995 (19 Ill. Reg. 12927)
112.71	Amendment	February 23, 1996 (20 Ill. Reg. 3461)
112.251	Amendment	July 21, 1995 (19 Ill. Reg. 10363)
112.252	Amendment	July 21, 1995 (19 Ill. Reg. 10363)
112.253	Amendment	July 21, 1995 (19 Ill. Reg. 10363)
112.254	Amendment	July 21, 1995 (19 Ill. Reg. 10363)

- 15) Summary and Purpose of Amendments: Pursuant to provisions of Public Act 89-289, the Department is initiating a Demonstration Project concerning Quarterly Reporting and Employment Reporting. The Quarterly Reporting - Failure to Report Employment Demonstration Project will operate in eight

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local offices Statewide. This demonstration project will allow caseworkers, within specific demonstration project areas, to budget income on a quarterly, rather than a monthly, basis.

Currently caseworkers spend a considerable amount of time budgeting client earnings monthly. Under the Quarterly Reporting - Failure to Report Employment Demonstration Project, the budgeting process would be limited to four times a year thus allowing time to better serve clients' other needs. It is anticipated that approximately 3,306 clients in the demonstration project areas will be affected.

All AFDC caretaker relatives who are required to file quarterly reports will be notified of their responsibility, receive a complete explanation of the requirements and will be informed of the due date for the first report. AFDC clients that must report earnings will have their benefits calculated quarterly with consideration given to monthly income and attendant circumstances. During the application process, the actual amount of income received in the Initial Prorated Entitlement (IPE) period will be used to determine the amount of the applicant's initial warrant. Income averaging will then be used to compute the client's first regular payment.

Clients who fail to report their earnings will be cancelled once it is discovered by the Department via crossmatch with the Illinois Department of Employment Security (IDES). In addition, an overpayment will be referred for all assistance received from the first month of the crossmatch quarter to the present. The client will be given timely notification of the action taken.

As a result of these amendments, for clients in the Quarterly Reporting - Failure to Report Employment Demonstration Project, budgeting will be done prospectively. Each assistance unit in the demonstration project that is required to report must submit a written completed report form to the Department quarterly. The information to be reported will be regarding the assistance unit's income, assets, family composition and other factors pertinent to AFDC eligibility for the budget month and any changes in these factors which the unit expects to occur in the current or future months.

The assistance units which must report are assistance units which contain a household member who is employed or who has lost employment within one of the last three months. All AFDC assistance units which must report quarterly will have their benefits calculated for three months by considering income and attendant circumstances on a prospective basis. Earnings will be budgeted prospectively for a three-month period based on the quarterly report provided by the client. Income averaging will be used to determine the amount of income to budget for a three-month period.

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When the completed quarterly report is received, the Department will determine if eligibility continues and process any adjustments to the payment. The Department will notify the caretaker relative of any changes in the payment and the reason or reasons for the change. If the AFDC grant is being reduced or terminated as a result of information contained in the report, the notification will be mailed to arrive no later than the payment or the day the payment would have arrived.

If the Department does not receive the quarterly report or receives only an incomplete report, AFDC may be terminated. The Department will send the client a notice of the action to arrive not later than the date the payment would have been made if the Department had received a completed report on time. If the family is found ineligible or eligible for a grant less than that of the prior month, the Department will promptly notify the client of the right to a fair hearing and the right to have assistance reinstated. If a hearing is requested on or before the date of change or within ten calendar days of the date of notice, whichever is later, assistance will be reinstated to the level of the prior month.

If a completed report form is received by the end of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the entire three-month period will be determined. If eligible, all the applicable earned income disregards will be allowed for the entire three-month period. If, however, a completed report form is received after the last calendar day of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the month of receipt and the third month, if applicable, will be determined. Eligibility for a cash payment for the first payment month of the three-month period will not exist. The client will be allowed all the applicable earned income disregards for those months for which eligibility is determined.

Companion amendments are being adopted in 89 Ill. Adm. Code 117 and 170.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, IL 62762
(217) 524-0081

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER I: DEPARTMENT OF PUBLIC AID
 SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112

AID TO FAMILIES WITH DEPENDENT CHILDREN

SUBPART A: GENERAL PROVISIONS

Section	
112.1	Description of the Assistance Program
112.5	Incorporation by Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
112.8	Caretaker Relative
112.9	Client Cooperation
112.10	Citizenship
112.20	Residence
112.30	Age
112.40	Relationship
112.40	Living Arrangement
112.50	Social Security Numbers
112.52	Assignment of Medical Support Rights
112.54	Lack of Parental Support or Care
112.60	Death of a Parent
112.61	Incapacity of a Parent
112.62	Continued Absence of a Parent
112.63	Unemployment of the Parent
112.64	Restriction in Payment to Households Headed by a Minor Parent
112.67	

SUBPART C: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS) PROGRAM

Section	
112.70	Participation Requirements for JOBS
112.71	Individuals Exempt from JOBS
112.72	JOBS Participation/Cooperation Requirements
112.73	Adolescent Parent Program
112.74	JOBS Initial Assessment Process/Development of an Employability Plan
112.76	JOBS Orientation
112.77	Conciliation and Fair Hearings
112.78	JOBS Components
112.79	JOBS Sanctions
112.80	Good Cause for Failure to Comply with JOBS Participation Requirements
112.81	Responsible Relative Eligibility For JOBS
112.82	JOBS Supportive Services
112.83	Young Parents Program
112.84	Work Experience Evaluation Project
112.85	Four Year College/Vocational Training Demonstration Project

DEPARTMENT OF PUBLIC AID

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AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2,

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1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; amendment at 6 Ill. Reg. 6912, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 7299, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 8115, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023,

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effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 11, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990;

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amended at 13 Ill. Reg. 16006, effective October 6, 1989; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13562, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1995; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. , effective .

SUBPART I: OTHER PROVISIONS

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Section 112.303 Retrospective Budgeting

- a) All AFDC recipients shall have income and attendant circumstances budgeted on a retrospective basis, whether or not they must report monthly, except those participating in the Income Budgeting Project and the Quarterly Reporting - Failure to Report Employment Demonstration Project (see 89 Ill. Adm. Code See-Section 170.50 and 170.380).
- b) Eligibility for AFDC is first determined on a prospective basis for all eligibility factors. If eligible on this prospective basis, the actual amount of benefits the unit is entitled to receive shall be determined by budgeting income and attendant circumstances retrospectively. For participants in the Income Budgeting Project, earnings shall be budgeted prospectively for the first two months and retrospectively thereafter. At intake, however, income and attendant circumstances shall be budgeted prospectively for two months before beginning retrospective budgeting in the third month. For participants in the Quarterly Reporting - Failure to Report Employment Demonstration Project, budgeting shall be done prospectively.
- c) The budget month is the fiscal month from which the Department uses income and attendant circumstances to determine the amount of assistance the unit is entitled to receive. The payment month is the fiscal month which the assistance grant covers. The payment month is the second fiscal month following the budget month.
- d) ~~the Department may supplement a recipient's assistance grant due to a loss of income in the payment month (see Section 112.307).~~ When a recipient whose assistance is discontinued reapplies for the same fiscal month assistance was discontinued, the recipient's income is budgeted retrospectively as if no interruption in assistance occurred. This does not apply to participants in the Income Budgeting Project whose cases are cancelled in the first two payment months of initial employment. This also does not apply to clients in the Quarterly Reporting - Failure to Report Employment Demonstration Project (see 89 Ill. Adm. Code 170.380).

(Source: Amended at 20 Ill. Reg. , effective 5648 ,

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- 1) Heading of the Part: Child Support Enforcement
- 2) Code Citation: 89 Ill. Adm. Code 160
- 3) Section Numbers: Adopted Action:
160.10 Amendment
160.60 Amendment
160.61 New Section
- 4) Statutory Authority: Sections 10-17.7 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/10-17.7 and 12-13] and Public Acts 88-687 and 89-6.
- 5) Effective Date of Amendments: March 28, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: March 28, 1996
- 9) Notice of Proposal Published in Illinois Register: November 13, 1995 (19 Ill. Reg. 15347)
- 10) Has JC&R issued a Statement of Objections to these rules? Yes. The Joint Committee's objections and the Department's responses appear in this issue of the Illinois Register.
- 11) Differences between proposal and final version: The following changes were made in the text of the proposed amendments:
 1. The following technical changes were made to the AUTHORITY NOTE:
"Art. X and" was added before "Sections", "10-1 et seq.," was deleted and the comma after "12-4.3" was deleted. Also, the Ill. Rev. Stat. citation was deleted.
 2. In Section 160.10(f), "(a) and" was added after "45 CFR 302.33" and "and 302.33(a)(3)" and the final period were stricken.
 3. In Section 160.60(b)(2), "5" was stricken and "ten" was inserted.
 4. In Section 160.60(d)(3)(A), "(d)(3)(C)" was changed to "(d)(3)(D)".
 5. A new Section 160.60(d)(3)(C) was added as follows:
"The FSS will not issue a subpoena under subsection (d)(3)(B) of this Section where the information from the Title IV-D client, the responsible relative's employer or other source concerning

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- the relative's financial ability is verified through documentation such as payroll records, paycheck stubs or income tax returns."
6. Section 160.60(d)(3)(C) was renumbered as 160.60(d)(3)(D).
7. In Section 160.60(d)(5)(D), the comma after "obligation" was deleted.
8. The following was added at the end of Section 160.61(a):
 - 4) "Non-marital child", as used in this Section, means a child born out of wedlock for whom paternity has not been established.
 - 5) "Alleged father", as used in this Section, means a man alleged to be the father of a non-marital child.
 - 6) "Presumed father" shall have the meaning ascribed to that term in the Illinois Parentage Act of 1984 [750 ILCS 45].
9. In Section 160.61(b)(2)(A)(ii), "mother" was pluralized.
10. In Sections 160.61(b)(3), (4) and (5), "five" was changed to "ten".
11. "and" was added at the end of Sections 160.61(b)(3)(F) and 160.61(b)(5)(G).
12. In Sections 160.61(b)(5)(A) and 160.61(d)(1), "title" was capitalized.
13. In Section 160.61(b)(6)(F), "5" was changed to "ten".
14. In Section 160.61(b)(6)(G), the following was added after "genetic testing":
", or if the alleged father and the child's mother voluntarily sign an acknowledgment that the alleged father is the father of the child; and"
15. In Section 160.61(b)(7), "must attend the interview" was deleted and "may attend if the client chooses" was added.
16. For all ILCS citations, the parentheses were changed to brackets.
17. In Section 160.61(b)(8)(A)(vii), "and" was inserted after the comma.
18. All references to "six month paternity establishment period" were hyphenated.
19. Since the federal waiver has not yet been received, Sections

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160.61(c)(3), (c)(9), (c)(11), (c)(12), (c)(13) and Section 160.62 were deleted. The remaining subsections were renumbered accordingly. The reference to Section 160.62 was deleted from the Table of Contents.

20. The last sentence in Section 160.61(c)(5) was deleted.

21. In Section 160.61(c)(8), "subsection (c)(3)(G) of this Section" was changed to "Section 160.35".

22. In Section 160.61(c)(14), "ten days of" was changed to "ten days after".

23. For all ILCS citations, the "et seq." references were deleted.

24. In Section 160.61(e), "subsections" was changed to "subsection".

25. Since the definition of non-marital child was added in Section 160.61(a)(4), all references to "for whom paternity has not been established" were deleted from the proposed text.

26. In Section 160.61(d)(7), "Art. 3" was changed to "Art. III".

No other substantive changes have been made in the text of the proposed amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No

13) Will these Amendments replace Emergency Amendments currently in effect?
Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: Pursuant to provisions of Public Act 88-687 and Public Act 89-6, these amendments establish the administrative process to determine paternity. The Department can use an administrative process to establish paternity and support obligations for a child born out of wedlock who receives cash or medical assistance. The administrative order does not require the caretaker relative and the noncustodial parent of a child born out of wedlock to appear in court to establish paternity or support obligations.

These amendments establish the provisions for the Department's use of the administrative process to establish paternity. The Department will establish the paternity of a child, in Title IV-D cases, through the administrative process wherein the court has not acquired jurisdiction previously, in matters involving:

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1. a non-marital child for whom paternity has not been established and support is sought from the alleged father;
2. a non-marital child for whom paternity has not been established who is in the physical custody of the alleged father or a caretaker relative other than the child's mother, and support is sought from the alleged father or from the mother, or both; or
3. presumed paternity as set forth in Section 5 (a)(1), (2) and (3) of the Illinois Parentage Act of 1984 [750 ILCS 45/5 (a)(1), (2) and (3)] in which a man other than the presumed father has been alleged to be the child's father, and notice has been provided to the alleged and presumed fathers.

As a result of this rulemaking, following the IV-D client interview, the Department will contact and interview:

1. the alleged fathers to establish paternity and support obligations; and
2. the mother to establish an alleged father's paternity of a child, where the alleged father or a caretaker relative other than the mother has physical custody of the child, and to establish the support obligation of the alleged father, the mother, or both.

The purpose of contact and interview will be to obtain relevant facts including information concerning the child's paternity and responsible relative income information necessary to establish the child's paternity and to determine the responsible relative's financial ability for use in establishing child support obligations.

This rulemaking also establishes the provisions for providing a notice of alleged paternity and support obligation to the alleged father and alleged mother and the presumed father from whom child support is sought. The Department will notify each Title IV-D client of the date, time and place of the alleged father interview and that the client must attend the interview.

As a result of these amendments, the Department will enter an administrative paternity order finding the alleged father to be the father of the child where:

1. the alleged father and the child's mother and any presumed father have voluntarily signed an acknowledgment that the alleged father is the father of the child after being provided with information concerning the implications of signing such an acknowledgement;
2. the alleged father and the child's mother and any presumed father have

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voluntarily signed an agreement to be bound by the results of genetic testing, and the results of such testing show that the alleged father is not excluded and that the combined paternity index is at least 500 to 1;

3. the alleged father fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon him in a case in which support is sought from the alleged father, or fails to appear for scheduled genetic testing after signing an agreement to be bound by the results of genetic testing;

4. the child's mother fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon her in a case where the alleged father has physical custody of the child;

5. the child's mother fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon her in a case where an adult other than a parent of the child has physical custody of the child, the alleged father has voluntarily signed an agreement to be bound by the results of genetic testing, the results of genetic testing show that the alleged father is not excluded, and the combined paternity index is at least 500 to 1;

6. the alleged father fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon him or fails to appear for genetic testing after agreeing to be bound by the results of genetic testing in a case where an adult other than a parent of the child has physical custody of the child;

7. the presumed father fails to appear in response to the Department's notice to presumed father served upon him, the alleged father and the child's mother have voluntarily signed an acknowledgment that the alleged father is the father of the child after being provided with information concerning the legal implications of signing such an acknowledgment; or

8. the presumed father fails to appear in response to the Department's notice to presumed father served upon him, the child's mother, and the alleged father have voluntarily signed an agreement to be bound by the results of genetic testing, the results of genetic testing show that the alleged father is not excluded, and the combined paternity index is at least 500 to 1.

This rulemaking also establishes that the Department will make a determination that the alleged father is not the father of the child where the results of genetic testing exclude the alleged father. In addition, an acknowledgment of paternity or agreement to be bound by the results of

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genetic testing will not be valid when the mother or alleged father is a minor, unless the parent or guardian of the minor mother or minor alleged father also signs the acknowledgment of paternity or agreement to be bound by the results of genetic testing, except where the mother or alleged father is head of his or her own household with the child for whom paternity is being determined.

Companion amendments are also being adopted in 89 Ill. Adm. Code 104.

16) Information and questions regarding these adopted amendments shall be directed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, IL 62762
(217) 524-0081

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER f: COLLECTIONS

PART 160

CHILD SUPPORT ENFORCEMENT

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AUTHORITY: Implementing and authorized by Art. X and Sections 4-1.7, 12-4.3 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/4-1.7, Art. X, 12-4.3 and 12-13].

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 15 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. 18844, effective October 18, 1993; amended at 18 Ill. Reg. 697, effective January 10, 1994; amended at 18 Ill. Reg. 12052, effective July 25, 1994; amended at 18 Ill. Reg. 15083, effective September 23,

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1994; amended at 18 Ill. Reg. 17886, effective November 30, 1994; amended at 19 Ill. Reg. 1314, effective January 30, 1995; amended at 19 Ill. Reg. 8298, effective June 15, 1995; amended at 19 Ill. Reg. 12675, effective August 31, 1995; emergency amendment at 19 Ill. Reg. 15492, effective October 30, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 1195, effective January 5, 1996; amended at 20 Ill. Reg. 5659, effective MAR 26 1996.

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Section 160.10 Child Support Enforcement Program

- a) Under Title IV-D of the Social Security Act (42 U.S.C. 651 et seq.) the Department undertakes to establish, modify, enforce and collect child and spouse support obligations from responsible relatives as defined in 89 Ill. Adm. Code 103.10. "IV-D cases" consist of:
 - 1) children receiving AFDC;
 - 2) children receiving AFDC MANG;
 - 3) children receiving foster care maintenance payments under Title IV-E of the Social Security Act (42 U.S.C. 670 et seq.);
 - 4) children of applicants for AFDC, or its successor, where the caretaker or specified relative is the putative father or relative of the putative father;
 - 5) children of applicants for AFDC, or its successor, where the mother and putative father of the children born out of wedlock are living together;
 - 6) children of applicants for AFDC, or its successor, where the caretaker relative is reapplying for cash or medical assistance and was in sanctioned status for noncooperation at the time the case was previously cancelled;
 - 7) a spouse or former spouse when the former spouse/spouse lives with the child;
 - 8) former AFDC recipients following AFDC cancellation pursuant to subsection (g) of this Section below;
 - 9) persons not receiving AFDC, AFDC MANG, or Foster Care Services under Title IV-E upon application to the Department for such services; and
 - 10) persons receiving AFDC/MANG that previously received AFDC cash assistance; and
 - 11) persons similarly situated to subsections (1) through (10) above and receiving Title IV-D support services in other states.
- b) Title IV-D is implemented by the Department through its Division of Child Support Enforcement.
- c) The Division of Child Support Enforcement has sole responsibility for:
- 1) identifying and locating the absent parent;
 - 2) establishing the parentage of a child born out of wedlock;
 - 3) establishing support obligations;
 - 4) enforcing and collecting support;

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- 5) receiving and distributing support payments;
 - 6) maintaining accurate records of location and support activities; and
 - 7) advising the local office of circumstances which may affect the family's eligibility for AFDC or AFDC MANG (for example, the father is living in the home, or a child no longer lives in the home, etc.).
- d) For Title IV-D children, the Department determines financial ability and establishes the support obligation of the absent parent through order of the court or through administrative process in accordance with Section 160.60.
- e) The Department shall explain to each AFDC applicant or recipient his or her responsibility to cooperate with the Department in obtaining support from absent parents and enforcing support obligations and the consequence of noncooperation.
- f) Whenever a family ceases to receive AFDC cash assistance, IV-E foster care or medical assistance, the Department shall notify the family that Title IV-D services will be continued unless the family advises the Department that it does not wish to receive Title IV-D services. Additionally, the notice shall advise that no application or application fee is required. Finally, the notice shall also include a description of the Title IV-D services available from the Department and information on the Department's cost recovery (for example, filing fees) and distribution policies. (45 CFR 302.33(a) and (d) and 303.7(d)(4) and (5) and ~~982-9344737~~ (1989)).
- g) Whenever a family ceases to receive AFDC MANG assistance:
- 1) if the family previously received AFDC cash assistance, IV-D services shall be continued without the filing of a new application as explained in (f) of this Section; above or
 - 2) if the family did not previously receive AFDC cash assistance, IV-D services shall be continued without the filing of a new application as explained in (f) of this Section above.

(Source: Amended at 20 Ill. Reg. 5659, effective MAR 26 1996)

SUBPART C: ESTABLISHMENT AND MODIFICATION OF CHILD SUPPORT ORDERS

Section 160.60 Establishment of Support Obligations

a) Definitions

- 1) "FSS" means any Family Support Specialist performing assigned duties, his supervisory staff and any other person assigned responsibility by the Director of the Department.
- 2) "Service" or "Served" means notice given by certified mail, return receipt requested, or by any method provided by law for service of summons. (See Sections 2-203 and 2-206 of the Civil

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Practice Law ~~§§11--Rev--Stat--19917-ch-110-par-2-203-and 2-206~~ (735 ILCS 5/2-203 and 2-206).)

3) "Support Statutes" means the following:

- A) Article X of the Illinois Public Aid Code ~~§§11--Rev--Stat-19917-ch-237-par-10-i-through-par-10-19~~ (305 ILCS 5/Art. 10);
- B) The Illinois Marriage and Dissolution of Marriage Act ~~§§11--Rev--Stat-19917-ch-407-par-101-et-seq~~ (750 ILCS 5);
- C) The Non-Support of Spouse and Children Act ~~§§11--Rev--Stat-19917-ch-407-par-101-et-seq~~ (750 ILCS 15);
- D) The Revised Uniform Reciprocal Enforcement of Support Act ~~§§11--Rev--Stat-19917-ch-407-par-1201-et-seq~~ (750 ILCS 20);
- E) The Uniform Interstate Family Support Act (750 ILCS 22/100 et seq.);
- F) ~~§11-B~~ The Illinois Parentage Act of 1984 ~~§§11--Rev--Stat--19917-ch-407-par-2501-et-seq~~ (750 ILCS 45); and
- G) ~~§11-P~~ Any other statute in another state which provides for child support.

4) "Retroactive support" means support for a period prior to the date a court or administrative support order is entered, including for reimbursement of cash assistance furnished by the Department to the custodial parent and/or children prior to the determination of support.

b) Responsible Relative Contact

- 1) Timing and Purpose of Contact
 - A) The Department shall contact and interview responsible relatives in Title IV-D cases to establish support obligations, following the IV-D client interview.
 - B) The purpose of contact and interview shall be to obtain relevant facts including income information (for example ~~§11-G~~, paycheck stubs, income tax returns) necessary to determine the financial ability of such relatives for use in obtaining stipulated, consent and other court orders for support and in entering administrative support orders, pursuant to the support statutes.
- 2) At least ten 5 working days in advance of the interview, the Department shall notify each responsible relative contacted of his support obligation, by ordinary mail, which notice shall contain the following:
 - A) the Title IV-D case name and identification number;
 - B) the names and birthdates of the persons for whom support is sought or other information identifying such persons, such as a prior court number;
 - C) that the responsible relative has a legal obligation to support the named persons;
 - D) the date, time, place and purpose of the interview and that the responsible relative may be represented by counsel; and

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E) that the responsible relative should bring specified information regarding his income and resources to the interview.

3) The Department shall notify each Title IV-D client of the date, time and place of the responsible relative interview and that the client may attend if he or she chooses.

c) Determination of Financial Ability

1) The Department shall use the guidelines set forth below to determine the financial ability of responsible relatives to provide support in Title IV-D cases.

2) The minimum amount of child support to be established shall be determined as follows:

Number of Children	Percent of Responsible Relative's Net Income
1	20%
2	25%
3	32%
4	40%
5	45%
6 or more	50%

3) "Net Income" is the total of all income from all sources, minus the following deductions:

- A) Federal income tax (properly calculated withholding or estimated payments);
 - B) State income tax (properly calculated withholding or estimated payments);
 - C) Social Security (FICA payments);
 - D) Mandatory retirement contributions required by law or as a condition of employment;
 - E) Union dues;
 - F) Dependent and individual health/hospitalization insurance premiums;
 - G) Prior obligations of support or maintenance actually paid pursuant to a court order or administrative support order;
 - H) Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income;
 - I) Medical expenditures necessary to preserve life or health; and
 - J) Reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts.
- 4) The deductions in subsections (c)(3)(H), (I) and (J) of this Section above shall be allowed only for the period that such payments are due. The Department shall enter administrative, or request the court to enter, support orders which contain provisions for an automatic increase in the support obligation upon termination of such payment period.
- 5) The above guidelines shall be applied in each case unless the

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Department finds that application of the guidelines would be inappropriate after considering the best interests of the child in light of evidence including but not limited to one or more of the following relevant factors:

- A) the financial resources and needs of the child;
- B) the financial resources and needs of the custodial parent;
- C) the standard of living the child would have enjoyed had the marriage not been dissolved, the separation not occurred or the parties married;
- D) the physical and emotional condition of the child, and his educational needs; and
- E) the financial resources and needs of the non-custodial parent.

6) Each order requiring support which deviates from the guidelines shall state the amount of support that would have been required under the guidelines. The reason or reasons for the variance from the guidelines shall be included in the order.

7) In cases where health/hospitalization insurance coverage is not being furnished by the responsible relative to a child to be covered by a support order, the Department shall enter administrative, or request the court to enter support orders requiring the relative to provide such coverage when a child can be added to an existing insurance policy at reasonable cost. However, in Title IV-D non-AFDC cases where the client is neither an applicant for nor a recipient of Medical Assistance, the Department shall enter or request such support orders only with the client's consent. Net income shall be reduced by the cost thereof in determining the minimum amount of support to be ordered.

8) When proceeding under subsection (d) of this Section, the Department shall, in any event, notwithstanding other provisions of this subsection and regardless of the amount of the responsible relative's net income, order the responsible relative to pay child support of at least \$10.00 per month.

9) In cases where cash assistance was provided to the custodial parent and/or children during the period prior to entry of a court or administrative support order, and the net income of the responsible relative cannot be determined because of default or any other reason, the Department shall order or request the court to order the responsible relative to pay retroactive support for the prior period in the amount of the cash assistance provided.

10) The final order in all cases shall state the support level in dollar amounts.

11) If there is no net income because of the unemployment of a responsible relative who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving cash assistance ~~AFDC~~ in Illinois, the Department, when proceeding under subsection (d) below, shall order, or, when

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proceeding under subsection (e) below, shall request the court to order the relative to report for participation in job search, training or work programs established for such relatives under ~~Section 9-6 of the Illinois Public Aid Code~~ ~~(1117 Rev. 1997, ch. 29, par. 9-6)~~ ~~(905 ILCS 5/9-6)~~.

12) The Department shall enter administrative support orders, or request the court to enter support orders, that include a provision requiring the responsible relative to notify the Department, within seven days:

- A) of any new address of the responsible relative;
- ~~B) of the name and address of any new employer or source of income of the responsible relative;~~
- C) of any change in the responsible relative's Social Security Number;
- ~~D) whether the responsible relative has access to health insurance coverage through the employer or other group coverage; and~~
- ~~E) if so, the policy name and number and the names of persons covered under the policy.~~

13) The Department shall enter administrative support orders, or request the court to enter support orders, that include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. The provision of a termination date in the order shall not prevent the order from being modified.

d) Administrative Process

- 1) Use of Administrative Process

A) Department FSS's shall establish support obligations of responsible relatives through the administrative process set forth in this subsection (d), in Title IV-D cases, wherein the court has not acquired jurisdiction previously, in matters involving:

- i) presumed paternity as set forth in Section 5(a)(1), (2) and (3) of the Illinois Parentage Act ~~(1117 Rev. Stat. 1997, ch. 40, par. 2505)~~ [705 ILCS 45/5(a)(1), (2) and (3)] and support is sought from one or both parents; and
- ii) alleged paternity and support is sought from the mother; and,
- iii) an administrative paternity order entered under Section 160.61 and support is sought from the man determined to be the child's father, or from the mother, or both.

B) In addition to those items specified in subsection (b)(2) of this Section above, the notice of support obligation shall

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inform the responsible relative of the following:

- i) that the responsible relative may be required to pay retroactive support as well as current support, and that he may be liable for reimbursement of public assistance furnished the named persons prior to determination of the ability to support; and
- ii) that upon failure of the responsible relative to appear for the interview or to provide necessary information to determine net income, an administrative support order may be entered by default or the Department may seek court determination of financial ability based upon the guidelines.

2) The FSS shall determine the ability of each responsible relative to provide support in accordance with subsection (c) of this Section ~~above~~ when such relative appears in response to the notice of support obligation and provides necessary information to determine net income. An administrative support order shall be entered which shall incorporate the resulting support amount therein. The FSS shall also determine (and incorporate in the administrative support order) the amount of retroactive support the responsible relative shall be required to pay by applying the relative's current net income (unless the relative provides necessary information to determine net income for the prior period) to the support guidelines in accordance with subsection (c) of this Section. In cases where cash assistance was provided to the custodial parent and/or children during the period prior to entry of the administrative support order, and the net income of the responsible relative cannot be determined because of default or any other reason, the FSS shall order the responsible relative to pay retroactive support for the prior period in the amount of the cash assistance provided, as specified in subsection (c)(9) of this Section. In administrative process cases, the period prior to the entry of the administrative support order shall commence with the parties' separation, unless the child was born out of wedlock and paternity was determined under Section 160.61, in which case such period shall commence with the child's birth.

3) Failure to Appear

- A) In instances in which the responsible relative fails to appear in response to the notice of support obligation or fails to provide necessary information to determine net income, the FSS shall enter an administrative support order by default, except as provided in subsection (d)(3)(D) ~~of this Section below~~. The terms of the order shall be based upon the needs of the persons for whom support is sought, as furnished by affidavit of the IV-D client. No default order shall be entered when a responsible relative fails to appear at the interview unless the relative shall have been served

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as provided by law with a notice of support obligation.

- B) The FSS may ~~shall~~ issue a subpoena to a responsible relative who fails to appear for interview, or who appears and furnishes income information, when the FSS has information from the Title IV-D client, the relative's employer or any other reliable source indicating that:
 - i) financial ability, as determined from the guidelines contained in subsection (c) above, exceeds the amount indicated in case of default, as indicated in subsection (d)(3)(A) of this Section ~~above~~, or
 - ii) income exceeds that reported by the relative.

C) The FSS will not issue a subpoena under subsection (d)(3)(B) of this Section where the information from the Title IV-D client, the responsible relative's employer or other source concerning the relative's financial ability is verified through documentation such as payroll records, paycheck stubs or income tax returns.

D) ~~In instances in which the relative fails or refuses to accept or fully respond to a Department subpoena issued to him pursuant to subsection (d)(3)(B) of this Section above, the FSS may shall enter a temporary administrative support order by default, in accordance with subsection (d)(3)(A) of this Section above, and may shall then seek establishment of support obligations through the judicial process pursuant to subsection (e) of this Section below.~~

4) Registration of Order of Another State

- A) The FSS shall register a support order entered by a court or administrative body of any other state referred for establishment and enforcement of an Illinois support obligation, on behalf of persons receiving Title IV-D services from such state, upon receipt of the following:

- i) a request that another state's support order be administratively registered to effect interstate income withholding;
- ii) ~~the~~ the referring state's IV-D case name and identification number;
- iii) ~~the~~ the names and birthdates of the persons for whom support is ordered;
- iv) ~~a~~ a certified copy of the support order with all modifications;
- v) ~~a~~ a certified copy of an order for withholding, if any, still in effect;
- vi) ~~a~~ a certified copy of the payment record or, if there is no payment record, an affidavit attesting to the amount of arrearage which has accrued under the support order;
- vii) ~~the~~ the name, address, and social security number of the responsible relative; and

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viii) ~~with~~ the name and address of the responsible relative's employer or any other source of income of the relative from which withholding may be effected, if known.

B) When registered such order shall become an administrative support order of the Department. The FSS shall enter a separate administrative support order of the Department which shall contain the terms of the registered order.

5) An administrative support order shall include the following:

A) the Title IV-D case name and identification number;
B) the names and birthdates of the persons for whom support is ordered;

C) the beginning date, amount and frequency of support;

D) the total retroactive support obligation and the beginning date, amount (which shall not be less than 20% of the current support amount) and frequency of payments to be made until the retroactive support obligation is paid in full;

E) the amount of any arrearage that has accrued under a prior support order and the beginning date, amount (which shall not be less than 20% of the support order) and frequency of payments to be made until the arrearage is paid in full;

F) the manner in which support payments are to be made; and

G) a statement informing the responsible relative that he has 30 days from the date of mailing of the administrative support order in which to petition the Department for a release from or modification of the order and receive a hearing in accordance with 89 Ill. Adm. Code 104.102.

6) Upon entry of any administrative support order, the FSS shall enter a separate administrative order for withholding, based upon and in the same manner as prescribed in Section 160.75. The order shall inform the responsible relative of the grounds for a petition and the time within which to petition the Department to stay service of or to modify, suspend or terminate the order for withholding, or to stay service of the notice of delinquency and receive a hearing in accordance with 89 Ill. Adm. Code 104.104.

7) The FSS shall provide to each responsible relative a copy of each administrative order for support and for withholding entered by:

A) delivery at the conclusion of an interview where financial ability to support was determined. An acknowledgement of receipt signed by the relative or an affidavit of delivery signed by the FSS shall be sufficient for purposes of notice.

B) certified mail where the relative fails or refuses to accept delivery or the orders are entered by default.

C) service in the case of registration of the support orders of another state. A copy of such state's orders shall be served with those of the Department.

8) The FSS shall provide to each Title IV-D client a copy of each

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administrative order for support and for withholding entered.

e) Judicial Process

1) Department FSS's shall refer Title IV-D cases for court action to establish support obligations of responsible relatives, pursuant to the support statutes (see Section above) (a)(3) of this Section in matters requiring the determination of paternity (except when paternity is to be determined administratively under Section 160.61), in those wherein the court has acquired jurisdiction previously and in instances described in subsection (d)(3)(C) of this Section above.

2) The FSS shall prepare the transmit pleadings and obtain or affix appropriate signature thereto which pleadings shall include, but not be limited to, petitions to:

- A) intervene;
- B) modify;
- C) change payment path;
- D) establish an order for support;
- E) establish retroactive support;
- F) establish past-due support;
- G) obtain an order for withholding;
- H) establish parentage;
- I) obtain a rule to show cause; and
- J) combinations of the above.

(Source: Amended at 20 Ill. Reg.

MAR 9, 2000)

5659, effective

Section 160.61 Uncontested and Contested Administrative Paternity and Support Establishment

a) Definitions

1) "Combined paternity index" means a statistic, stated as an odds ratio in a report of genetic testing results, giving the likelihood that the man having undergone the testing is the father of the child relative to the chance that the father is another man from the same racial background.

2) "Genetic testing" means deoxyribonucleic acid (DNA) tests.

3) "Service" or "Served" means notice given by personal service, certified mail, return receipt requested, or by any method provided by law for service of a summons. (See Sections 2-203 and 2-206 of the Civil Practice Law [735 ILCS 5/2-203 and 2-206].)

4) "Non-marital child", as used in this Section, means a child born out of wedlock for whom paternity has not been established.

5) "Alleged father", as used in this Section, means a man alleged to be the father of a non-marital child.

6) "Presumed father" shall have the meaning ascribed to that term in the Illinois Parentage Act of 1984 [750 ILCS 45].

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b) Uncontested Administrative Paternity Process

1) Department FRS shall establish a man's paternity of a child through the administrative process set forth in this Section, in Title IV-D cases, wherein the court has not acquired jurisdiction previously, in matters involving:

- A) a non-marital child and support is sought from the alleged father;
- B) a non-marital child who is in the physical custody of the alleged father or a caretaker relative other than the child's mother, and support is sought from the alleged father or from the mother, or both; or
- C) presumed paternity as set forth in Section 5(a)(1), (2) and (3) of the Illinois Parentage Act of 1984 [750 ILCS 45/5(a)(1), (2) and (3)] in which a man other than the presumed father has been alleged to be the child's father, and notice has been provided to the alleged and presumed fathers as set forth in this Section.

2) Contact with Responsive Relatives

A) Following the IV-D client interview, the Department shall contact and interview:

- i) alleged fathers to establish paternity and support obligations; and
- ii) mothers to establish an alleged father's paternity of a child (where the alleged father or a caretaker relative other than the mother has physical custody of the child) and to establish the support obligation of the alleged father, the mother, or both.

B) The purpose of contact and interview shall be to obtain relevant facts including information concerning the child's paternity and responsible relative income information (for example, paycheck stubs, income tax returns) necessary to establish the child's paternity and to determine the responsible relative's financial ability for use in establishing child support obligations.

3) At least ten working days in advance of the interview, the Department shall provide a notice of alleged paternity and support obligation by ordinary mail, to the alleged father from whom child support is sought, which notice shall contain the following:

- A) the Title IV-D case name and identification number;
- B) the name and birthdate of the non-marital child;
- C) that the alleged father has been identified as the biological father of the child named in the notice, and that if determined to be the child's father he will have a legal obligation to support the child;
- D) the date, time, place and purpose of the interview and that the alleged father may be represented by counsel;
- E) that the alleged father should bring specified information

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regarding his income and resources to the interview;

F) that upon failure of the alleged father to appear for the interview, administrative paternity and support orders may be entered against him by default; and

G) that the alleged father may be ordered to pay current support, retroactive support, and to provide health insurance coverage for the child.

4) At least ten working days in advance of the interview, the Department shall provide a notice of alleged paternity and support obligation to the child's mother by ordinary mail, when a man has been alleged to be the father of the child, the alleged father has physical custody of the child, and support is sought from the mother. The notice shall contain the following:

- A) the Title IV-D case name and identification number;
- B) the name and birthdate of the non-marital child;
- C) that the mother has a legal obligation to support the child;
- D) the date, time, place and purpose of the interview and that the mother may be represented by counsel;

E) that the mother should bring specified information regarding her income and resources to the interview;

F) that the mother may be ordered to pay current support, retroactive support, and to provide health insurance coverage for the child;

G) that the alleged father has been identified as the biological father of the child named in the notice, and that if determined to be the child's father he will have a legal obligation to support the child; and

H) that upon failure of the mother to appear for the interview, or to provide necessary information to determine net income:

- i) an administrative support order may be entered against the mother by default or the Department may seek court determination of financial ability based upon the guidelines; and

ii) the Department may enter an order finding the alleged father to be the father of the child.

5) At least ten working days in advance of the interview, the Department shall provide a notice of alleged paternity and support obligation to the child's mother by ordinary mail, when a man has been alleged to be the father of a child, an adult other than a parent of the child has physical custody of the child, and support is sought from the mother and the alleged father. The notice shall contain the following:

- A) the Title IV-D case name and identification number;
- B) the name and birthdate of the non-marital child;
- C) that the mother has a legal obligation to support the child;
- D) the date, time, place and purpose of the interview and that the mother may be represented by counsel;
- E) that the mother should bring specified information regarding

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- her income and resources to the interview;
- F) that the mother may be ordered to pay current support, retroactive support, and to provide health insurance coverage for the child;
- G) that the alleged father has been identified as the biological father of the child named in the notice, and that if determined to be the child's father he will have a legal obligation to support the child; and
- H) that upon failure of the mother to appear for the interview, or to provide necessary information to determine net income:
- i) an administrative support order may be entered against the mother by default or the Department may seek court determination of financial ability based upon the guidelines; and
 - ii) the Department may enter an order finding the alleged father to be the father of the child on the basis of genetic testing.
- 6) Where the man alleged to be the father of a child is different from a man presumed to be the father under Section 5 of the Illinois Parentage Act of 1984 (750 ILCS 45/5), the FSS shall send a notice to the presumed father which shall contain the following:
- A) the Title IV-D case name and identification number;
 - B) the child's name and birthdate;
 - C) the name of the child's mother;
 - D) that the man to whom the notice is directed has been identified as the child's presumed father;
 - E) that another man has been alleged to be the child's father, and the name of that alleged father;
 - F) that the Department has scheduled an interview with the alleged father for the purpose of determining the child's paternity, and the date, time and place of the interview (the date of the interview shall not be less than ten working days after the date of the notice to the presumed father);
 - G) that if the presumed father fails to appear at the interview to assert his rights as the presumed father, the Department may enter an administrative order finding the alleged father to be the child's father on the basis of genetic testing, or if the alleged father and the child's mother voluntarily sign an acknowledgment that the alleged father is the father of the child; and
 - H) that counsel may accompany the presumed father to the interview.
- 7) The Department shall notify each Title IV-D client of the date, time and place of the alleged father interview and that the client may attend if the client chooses.
- 8) In cases involving a non-marital child:

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- A) The FSS shall enter an administrative paternity order finding the alleged father to be the father of the child where:
- i) the alleged father and the child's mother (and any presumed father) have voluntarily signed an acknowledgment that the alleged father is the father of the child after being provided with information concerning the implications of signing such an acknowledgment (for example, parental rights and responsibilities of child support, retroactive support, health insurance coverage, custody and visitation);
 - ii) the alleged father and the child's mother (and any presumed father) have voluntarily signed an agreement to be bound by the results of genetic testing, and the results of such testing show that the alleged father is not excluded and that the combined paternity index is at least 500 to 1;
 - iii) the alleged father fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon him in a case in which support is sought from the alleged father, or fails to appear for scheduled genetic testing after signing an agreement to be bound by the results of genetic testing;
 - iv) the child's mother fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon her in a case where the alleged father has physical custody of the child;
 - v) the child's mother fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon her in a case where an adult other than a parent of the child has physical custody of the child, the alleged father has voluntarily signed an agreement to be bound by the results of genetic testing, the results of genetic testing show that the alleged father is not excluded, and the combined paternity index is at least 500 to 1;
 - vi) the alleged father fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon him (or fails to appear for genetic testing after agreeing to be bound by the results of genetic testing) in a case where an adult other than a parent of the child has physical custody of the child;
 - vii) the presumed father fails to appear in response to the Department's notice to presumed father served upon

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him, and the alleged father and the child's mother have voluntarily signed an acknowledgment that the alleged father is the father of the child after being provided with information concerning the legal implications of signing such an acknowledgment; or (viii) the presumed father fails to appear in response to the Department's notice to presumed father served upon him, the child's mother, and the alleged father have voluntarily signed an agreement to be bound by the results of genetic testing, the results of genetic testing show that the alleged father is not excluded, and the combined paternity index is at least 500 to 1.

B) The FSS shall make a determination that the alleged father is not the father of the child where the results of genetic testing exclude the alleged father.

2) An acknowledgment of paternity or agreement to be bound by the results of genetic testing under subsection (b)(8) of this Section shall not be valid where the mother or alleged father is a minor, unless the parent or guardian of the minor mother or minor alleged father also signs the acknowledgment of paternity or agreement to be bound by the results of genetic testing, except where the mother or alleged father is either emancipated or head of his or her own household with the child for whom paternity is being determined.

c) Contested Paternity and Support Establishment and Continued Eligibility Demonstration Program

1) The Department shall conduct a demonstration program for administrative paternity and support establishment and continued eligibility for custodial parents of a non-marital child who are applicants for or recipients of cash assistance under Articles IV, V, and VI of the Illinois Public Aid Code.

2) The demonstration program shall be implemented statewide but phased in beginning with the following counties: Cass, Champaign, Christian, DeWitt, Fulton, Logan, Macon, Macoupin, Mason, McLean, Menard, Montgomery, Morgan, Moultrie, Peoria, Piatt, Sangamon, Shelby, Tazewell and Woodford. McLean County shall be designated a control county with custodial parents randomly selected for participation in the demonstration program.

3) In those demonstration program cases in which the mother and alleged father (and any presumed father) voluntarily acknowledge paternity by affidavit in the form required by the Department, or agree to be bound by the results of genetic testing, or in which the alleged father has failed to respond to a notice of alleged paternity and support obligation, the Department shall administratively determine paternity and establish a support order in accordance with subsection (b) of this Section and Section 160.60, respectively.

4) Demonstration program cases in which paternity is contested shall

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be referred to Department hearing officers to administratively determine paternity and establish child support. The Department shall provide the alleged fathers (and any presumed fathers) with notice and opportunity to contest paternity at an administrative hearing, as well as inform the alleged father (and any presumed father) of his right to demand a judicial trial by jury. The notice and any hearing shall be governed by Sections 104.200 through 104.295. Any administrative support order shall be established in accordance with Section 160.60.

5) Notice shall be served on all parties in the manner provided for service of a notice of alleged paternity and support obligation under subsections (a) and (b) of this Section or, where necessary, by publication in cases in which the whereabouts of a party or parties are unknown after diligent location efforts by the Department. Where service is by publication, the notice shall be published at least once in each week for three consecutive weeks in a newspaper published in the county in which the administrative proceeding is pending. If there is no newspaper published in that county, then the publication shall be in a newspaper published in an adjoining Illinois county having a circulation in the county in which the administrative proceeding is pending. In addition, where service is by publication, the date of the interview stated in the notice shall not be less than 30 days after first publication of the notice.

6) The Department shall enter default paternity determinations in demonstration program cases as provided for under subsection (b) of this Section. However, where notice of the administrative proceedings was served on a party by publication under subsection (c)(6) of this Section, a notice of default paternity determination shall be published in the same manner. The notice of default paternity determination shall contain the information required in an administrative paternity order under subsection (d) of this Section, except that where notice was served by publication the notice of default paternity determination shall not include the mother's and father's Social Security numbers, and shall include a statement of the following in lieu of a statement that the order is a final and binding administrative decision:

A) that the man determined to be the child's father may bring a petition in the circuit court for relief from the administrative paternity determination on the same grounds provided for relief from judicial judgments under Section 2-1401 of the Code of Civil Procedure [735 ILCS 5/2-1401];

B) that such a petition must be filed no later than two years after the notice of default paternity determination was published; and

C) that allegations made in such a petition without reasonable cause that are found to be untrue by the circuit court may

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subject the petitioner or his attorney, or both, to the payment of reasonable costs and attorney's fees incurred by the Department in defending against the petition.

- 7) In those cases in which the alleged father or presumed father has requested a trial by jury, the Department shall refer the case for judicial action to establish paternity and support in accordance with subsection (g) of this Section.

- 8) The Department shall not proceed to establish paternity administratively under the demonstration program in those cases wherein the court has acquired jurisdiction previously, the alleged or presumed father has requested a trial by jury, or the custodial parent claims good cause for failing to cooperate in the establishment of paternity and is found to be exempt from cooperating as set forth in Section 160.35.

- 9) In any case where the administrative paternity process has been initiated for the custodial parent and the non-marital child, and the custodial parent and the non-marital child move outside the original demonstration program county, the paternity determination case shall remain in the original demonstration county unless a transfer to the county in which the non-custodial parent and the non-marital child reside is requested by the custodial parent, in writing, within ten days after the move outside the original demonstration county.

- d) An administrative paternity order, whether entered under subsection (b) or subsection (c) of this Section, shall include the following:

- 1) the Title IV-D case name and identification number;
- 2) the name and birthdate of the child for whom paternity is determined;

- 3) the alleged father's name and his Social Security number, if known;

- 4) the mother's name and her Social Security number, if known;

- 5) a finding that the alleged father is the father of the child, and a statement indicating how paternity was determined (for example, acknowledgment, agreement to be bound by the results of genetic testing, default, contested hearing);

- 6) except in cases in which paternity is administratively determined in a contested hearing under subsection (c) of this Section, a statement informing the responsible relative that he has 30 days from the date of mailing (or delivery at the interview) of the administrative paternity order to petition the Department for release from the order and receive a hearing in accordance with 89 Ill. Adm. Code 104.105; and

- 7) in cases in which paternity is administratively determined in a contested hearing under subsection (c) of this Section, a statement informing the responsible relative that the order is a final and binding administrative decision, and whether the order is reviewable only under the provisions of the Administrative Review Law [735 ILCS 5/Art. III].

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- e) When the paternity of a child has been administratively determined under subsection (b) or (c) of this Section, the Department shall enter an administrative support order under the process set forth in Section 160.60, except in the demonstration program under subsection (c) of this Section when paternity is established by default (including default after publication of the notice of alleged paternity and support obligation), the Department shall order the responsible relative to pay child support of at least an amount equal to the child's or children's portion of the cash assistance grant. The responsible relative shall have the same appeal rights for review or modification of the support obligation amount as those set forth in Section 160.60.

- f) The Department shall notify the Department of Public Health of final administrative paternity determinations.

- g) Judicial Process. The Department shall refer Title IV-D cases for judicial action to establish a child's paternity and a responsible relative's support obligation pursuant to the Illinois Parentage Act of 1984 [750 ILCS 45], the Revised Uniform Reciprocal Enforcement of Support Act [750 ILCS 20] or the Uniform Interstate Family Support Act [750 ILCS 22], as appropriate, in matters:

- 1) involving contested paternity, except where the case is appropriate for referral to a Department hearing officer under subsection (c) of this Section;
- 2) where the non-marital child was not conceived in Illinois and the alleged father resides in a state other than Illinois;

- 3) where the court has acquired jurisdiction previously;

- 4) where the results of genetic testing show that the alleged father is not excluded and the combined paternity index is less than 500 to 1, except where the case is appropriate for referral to a Department hearing officer under subsection (c) of this Section;

- 5) where the alleged or presumed father has requested a trial by jury in a contested case under subsection (c) of this Section, but only after genetic tests have been ordered and the results have been received in accordance with Section 104.213.

(Source: Added at 20 Ill. Reg. 5659, effective MAR 28 1990)

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1) Heading of the Part: Demonstration Programs

2) Code Citation: 89 Ill. Adm. Code 170

3) Section Numbers: Adopted Action:
170.360 New Section
170.370 New Section
170.380 New Section

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 89-289

5) Effective Date of Amendments: March 30, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: March 30, 1996

9) Notice of Proposal Published in Illinois Register:

Sections 170.360 and 170.370

August 4, 1995 (19 Ill. Reg. 11316)

Section 170.380

October 6, 1995 (19 Ill. Reg. 13789)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version: The following changes were made in the text of the proposed amendments:

Section 170.360

1. Section 170.360(a) was rewritten as follows:

"a) The Department will operate GET A JOB as a statewide demonstration for five years beginning November 1, 1995. Some areas will be designated as research sites, where cases will be randomly assigned to an experimental or control group. Clients in these areas not in the experimental group will not participate in GET A JOB."

2. In Section 170.360(f)(1), the period after "requirements" was deleted.

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Section 170.370

1. Section 170.370(a) was rewritten as follows:

"a) The Department will operate the Targeted Work Initiative (TWI) as a statewide demonstration for five years beginning December 1995. Some areas will be designated as the research sites where cases will be randomly assigned to an experimental or control group. Clients in these areas who are not in the experimental group will not participate in TWI."

2. In Section 170.370(b)(1)(A), the comma after "ill" was deleted and a comma was inserted after "basis".

3. In Section 170.370(b)(1)(C), "when review of the case" was changed to "or upon case review, the exemption".

4. Section 170.370(b)(3) was deleted.

5. In Section 170.370(f)(2)(B), "minimum" was changed to "minimum".

Section 170.380

1. Section 170.380(a)(1) was rewritten as follows:

1) Research sites. Cases in the research sites will be randomly assigned to an experimental or control group. Cases assigned to the experimental group are subject to the rules in this Section.

2. Section 170.380(g) was written as follows:

g) Clients who experience a decrease in income below the amount anticipated may be eligible for a supplemental payment. A supplemental payment must be requested in writing. Eligibility for a supplemental payment may exist if the gross earned (minus self-employment business expenses, if any) and unearned income (includes the assistance payment) received from all sources for the payment month is less than the payment level for an assistance unit of comparable size. If these conditions are met, the amount of supplemental payment the client is eligible to receive, if any, is determined by adding the gross earned income (minus self-employment business expenses and the 2/3 earned income deduction) and the gross unearned income (includes the assistance payment) received in the payment month. This amount is subtracted from the payment level for an assistance unit of comparable size. If the difference is \$10 or more, the client is eligible for a supplemental payment. The supplemental payment the client is eligible for is the amount of the

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difference.

3. Section 170.380(h) was rewritten as follows:

h) Clients who experience an increase in income above the amount anticipated will not be referred for an overpayment based on the increased income.

4. Sections 170.380(h) through (m) were renumbered as Sections 170.380(i) through (n).

5. In Section 170.380(j), "within ten calendar days of the date of notice" was changed to "within ten calendar days after the date of notice".

No other changes have been made in the text of the proposed amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? Yes

14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
170.350	New Section	July 21, 1995 (19 Ill. Reg. 10381)
170.390	New Section	November 27, 1995 (19 Ill. Reg. 15786)

15) Summary and Purpose of Amendments:

Sections 170.360 and 170.370

In accordance with provisions of Public Act 89-6 and to help move people toward self-sufficiency and to support clients in their efforts to achieve employment goals, the Department is implementing two new initiatives. These amendments establish the Get a Job Initiative and the Targeted Work Initiative.

Section 170.360 - Get a Job Initiative

All new applicants whose youngest child is age 5 through 12 will be automatically enrolled in Job Search for six months. The Get a Job Initiative immediately places employable AFDC clients with children ages 5 through 12 in job search activities to get them into the work force quickly. Clients must have a high school diploma or equivalent or a recent work history. They can search for work while their children are in

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school.

At approval, clients will complete six months of job search activities as a condition of eligibility. With the help of JOBS and casework staff, clients will use a variety of methods to find employment and will report monthly, in person, their job search progress. If a client has not entered employment after the six months, he or she will be reassessed by JOBS staff and assigned to a work experience or training program as slots become available.

These amendments provide that, unless they have good cause, GET A JOB participants must:

1. attend scheduled monthly job search meetings;
2. keep appointments with GET A JOB staff;
3. make a good faith effort to complete 20 employer contacts each month;
4. accept a bonafide offer of suitable employment; and
5. maintain employment and not voluntarily reduce earnings.

This rulemaking establishes that each GET A JOB participant will receive a monthly job search allowance of \$20 to cover the cost of employer contacts including transportation, stamps, resumes, etc. In addition, payment for child care and initial employment expenses will also be provided. Clients who do not cooperate will be sanctioned by having the adult portion of their grant reduced.

Section 170.370 - Targeted Work Initiative

The Targeted Work Initiative will require AFDC recipients whose youngest child is age 13 or older to find work and stay employed as a condition of receiving welfare. Clients with at least a high school education must complete eight weeks of independent job search. Clients with less than a high school education will have the option to participate in job search, job training or a GED program.

If the eight-week job search fails, a caseworker-assisted job search will begin with specific job referrals being made. The client must accept the first offer or find an alternative. If still no job develops, the client will be placed on a Work First assignment and required to continue job search. If the client has not found a job after being on AFDC for a total of 24 months, cash benefits for the entire family will end for the same amount of time.

Receipt of cash assistance by Targeted Work Initiative participants will

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be limited to 24 months. Months in which the participant has earnings or is exempt will not count toward the 24 month limit. Beginning with the first month of the 24 month eligibility period, the addition to the household of a child under age 13 or the birth of a child more than 10 months later will not extend the 24 month period of eligibility.

After reaching the 24 month limit, the participant will be ineligible for cash assistance for a period of 24 months. When the participant is off AFDC cash assistance for 24 consecutive months, for any reason, the 24 month period of eligibility will start over.

Clients who do not accept employment will be sanctioned. Months during which the participant is sanctioned will count as part of the 24 month eligibility period if the participant would otherwise have received cash assistance.

Section 170.380 - Quarterly Reporting - Failure to Report Employment Demonstration Project

Pursuant to provisions of Public Act 89-289, the Department is initiating a Demonstration Project concerning Quarterly Reporting and Employment Reporting. The Quarterly Reporting - Failure to Report Employment Demonstration Project will operate in eight local offices statewide. This demonstration project will allow caseworkers, within specific demonstration project areas, to budget income on a quarterly, rather than a monthly, basis.

Currently caseworkers spend a considerable amount of time budgeting client earnings monthly. Under the Quarterly Reporting - Failure to Report Employment Demonstration Project, the budgeting process would be limited to four times a year thus allowing time to better serve clients' other needs. It is anticipated that approximately 3,306 clients in the demonstration project areas will be affected.

All AFDC caretaker relatives who are required to file quarterly reports will be notified of their responsibility, receive a complete explanation of the requirements and will be informed of the due date for the first report. AFDC clients that must report earnings will have their benefits calculated quarterly with consideration given to monthly income and attendant circumstances. During the application process, the actual amount of income received in the Initial Prorated Entitlement (IPE) period will be used to determine the amount of the applicant's initial warrant. Income averaging will then be used to compute the client's first regular payment.

Clients who fail to report their earnings will be cancelled once it is discovered by the Department via crossmatch with the Illinois Department of Employment Security (IDES). In addition, an overpayment will be

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referred for all assistance received from the first month of the crossmatch quarter to the present. The client will be given timely notification of the action taken.

As a result of these amendments, for clients in the Quarterly Reporting - Failure to Report Employment Demonstration Project, budgeting will be done prospectively. Each assistance unit in the demonstration project that is required to report must submit a written completed report form to the Department quarterly. The information to be reported will be regarding the assistance unit's income, assets, family composition and other factors pertinent to AFDC eligibility for the budget month and any changes in these factors which the unit expects to occur in the current or future months.

The assistance units which must report are assistance units which contain a household member who is employed or who has lost employment within one of the last three months. All AFDC assistance units which must report quarterly will have their benefits calculated for three months by considering income and attendant circumstances on a prospective basis. Earnings will be budgeted prospectively for a three-month period based on the quarterly report provided by the client. Income averaging will be used to determine the amount of income to budget for a three-month period.

When the completed quarterly report is received, the Department will determine if eligibility continues and process any adjustments to the payment. The Department will notify the caretaker relative of any changes in the payment and the reason or reasons for the change. If the AFDC grant is being reduced or terminated as a result of information contained in the report, the notification will be mailed to arrive no later than the payment or the day the payment would have arrived.

If the Department does not receive the quarterly report or receives only an incomplete report, AFDC may be terminated. The Department will send the client a notice of the action to arrive not later than the date the payment would have been made if the Department had received a completed report on time. If the family is found ineligible or eligible for a grant less than that of the prior month, the Department will promptly notify the client of the right to a fair hearing and the right to have assistance reinstated. If a hearing is requested on or before the date of change or within ten calendar days of the date of notice, whichever is later, assistance will be reinstated to the level of the prior month.

If a completed report form is received by the end of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the entire three-month period will be determined. If eligible, all the applicable earned income disregards will be allowed for the entire three-month period. If, however, a completed report form is received after the last calendar day of the first payment

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month of the three-month period for which the report is used to determine eligibility, eligibility for the month of receipt and the third month, if applicable, will be determined. Eligibility for a cash payment for the first payment month of the three-month period will not exist. The client will be allowed all the applicable earned income disregards for those months for which eligibility is determined.

Companion amendments to Section 170.380 are being adopted in 89 Ill. Adm. Code 112 and 117.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, IL 62762
(217) 524-3215

The full text of the Adopted Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER 9: DEMONSTRATION PROGRAMS

PART 170
DEMONSTRATION PROGRAMS

SUBPART A: THE FRESH START
WELFARE REFORM DEMONSTRATION PROGRAM

Section	Youth Employment and Training Initiative
170.10	
170.20	Paternal Involvement Project
170.30	Homeless Families Support Project
170.40	Family Responsibility Project
170.50	Income Budgeting Project

SUBPART B: THE CAREER ADVANCEMENT PROGRAM

Section	The Career Advancement Program
170.100	
170.110	Career Advancement Experimental and Control Groups
170.120	Career Advancement Participation Requirements of Experimental Group Members
170.130	Career Advancement Supportive Services for Experimental Group Members

SUBPART C: COMMUNITY GROUP PARTICIPATION PROGRAM

Section	Community Group Participation Program
170.200	

SUBPART D: EARNED INCOME INITIATIVE

Section	Work Pays Demonstration
170.250	

SUBPART E: FAMILY DEVELOPMENT PLAN

Section	Truancy Prevention Project
170.300	

SUBPART F: WORK AND RESPONSIBILITY DEMONSTRATION

Section	Get a Job Initiative
170.360	
170.370	Targeted Work Initiative (TWI)

SUBPART G: BIOMETRIC IDENTIFICATION DEMONSTRATION

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Section
170.400 Retinal Scanning

SUBPART H: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS)
DEMONSTRATION PROGRAM

Section
170.450

Young Parent Services South Home Visitor Demonstration (Project Link)

AUTHORITY: Implementing and authorized by Sections 4-8, 11-20, 12-4.28 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/4-8, 11-20, 12-4.28 and 12-13].

SOURCE: Adopted at 13 Ill. Reg. 14067, effective August 23, 1989; amended at 14 Ill. Reg. 19320, effective November 30, 1990; amended at 17 Ill. Reg. 19197, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19721, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 645, effective February 28, 1994; emergency amendment at 19 Ill. Reg. 645, effective January 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 7901, effective June 8, 1995; emergency amendment at 19 Ill. Reg. 15256, effective November 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 15849, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16314, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 866, effective January 1, 1996; amended at 20 Ill. Reg. 4333, effective February 29, 1996; amended at 20 Ill. Reg. 5685, effective May 4, 1996.

SUBPART F: WORK AND RESPONSIBILITY DEMONSTRATION

Section 170.360 Get a Job Initiative

a) The Department will operate GET A JOB as a statewide demonstration for five years beginning November 1, 1995. Some areas will be designated as the research sites where cases will be randomly assigned to an experimental or control group. Clients in these areas not in the experimental group will not participate in GET A JOB.

b) Selection of Participants

At the time AFDC cash assistance (Category 04 only) is approved, adults who are not exempt from participation in the AFDC JOBS program and who meet the following criteria will be assigned to GET A JOB. Exemption reasons in 89 Ill. Adm. Code 112.71 apply except for remoteness. Nonexempt adults will be selected if:

- 1) they are unemployed or employed and budgeted gross earnings are less than \$250 per month;
- 2) their youngest child is age five through 12; and
- 3) the adult:
 - A) has a high school diploma or GED;
 - B) has been employed within the last three months; or

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C) is receiving Unemployment Insurance (UI) Benefits or has received UI within the last three months.

c) AFDC JOBS Orientation and Assessment

1) At application, potential GET A JOB participants will be identified during the AFDC eligibility interview. The eligibility worker will inform the client about the AFDC JOBS program and explain GET A JOB participation requirements and available supportive services. The worker will provide the client with information and forms needed to begin participation in GET A JOB.

2) The determination that the client meets the selection criteria for GET A JOB and the evaluation of the need for and arrangement of supportive services constitutes the initial AFDC JOBS assessment for GET A JOB participants.

3) Participants will not be approved for education or training programs while in GET A JOB.

d) Participation Requirements

1) Unless they have good cause, participants must:

A) attend scheduled monthly job search meetings;

B) keep appointments with GET A JOB staff;

C) make a good faith effort to complete 20 employer contacts each month;

D) accept a bonafide offer of suitable employment; and

E) maintain employment and not voluntarily reduce earnings.

2) Participants will remain in GET A JOB for six months or until they have budgeted earnings of at least \$255 per month, whichever comes first. Nonexempt participants will then be reassigned to other AFDC JOBS components as slots are available.

3) Participants will be placed in GET A JOB each time they are approved for AFDC cash assistance and meet the selection criteria.

e) Supportive Services

Supportive services will be provided to assist participants in their job search.

1) Each participant will receive a monthly job search allowance of \$20 to cover the cost of employer contacts including transportation, stamps, resumes, etc. No additional payment for these costs will be allowed.

2) Payment for child care and initial employment expenses will be provided, as needed, within the limits stated in 89 Ill. Adm. Code 112.82.

f) Sanctions

1) Conciliation will be attempted with participants who fail to meet participation requirements (see 89 Ill. Adm. Code 112.77).

2) When conciliation is unsuccessful, the following penalties will apply:

A) First sanction - The participant's needs will be removed from the grant until the participant agrees to cooperate.

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- B) Second sanction - The participant's needs will be removed from the grant until the participant agrees to cooperate or for three months, whichever is longer.
- C) Third sanction - The participant's needs will be removed from the grant until the participant agrees to cooperate or for six months, whichever is longer.
- D) Fourth (or more) sanction - The entire grant will be discontinued until the participant agrees to cooperate or for six months, whichever is longer.
- 3) When a participant refuses a bonafide offer of suitable employment, the entire grant will be discontinued until the participant becomes employed or for three months, whichever comes first. This action is independent of the four level progressive sanctions described in subsections (f)(2)(A) through (D) of this Section. It does not count in the progression or change the order of these four sanctions.

(Source: Added at 20 Ill. Reg. 5685, effective
MAR 3, 1999)

Section 170.370 Targeted Work Initiative (TWI)

a) Demonstration Status

The Department will operate the Targeted Work Initiative (TWI) as a statewide demonstration for five years beginning December 1995. Some areas will be designated as the research sites where cases will be randomly assigned to an experimental or control group. Clients in these areas who are not in the experimental group will not participate in TWI.

b) Selection of Participants

AFDC and AFDC-U cash recipients whose youngest child is age 13 or older shall be required to participate in TWI and must seek and accept employment as part of the AFDC JOBS Program unless the recipient has earned income or is exempt for one of the following reasons (Other AFDC JOBS exemption reasons listed in 89 Ill. Adm. Code 112.71 do not apply to the TWI population):

1) Is temporarily ill or chronically ill.

- A) An individual is temporarily ill when determined by the local office, on the basis of medical evidence (for example, a statement from a medical provider) or on another sound basis, that the illness or injury is serious enough to temporarily prevent the individual from engaging in employment or participating in JOBS. A sound basis for exemption from JOBS on a temporary basis includes but is not limited to: the observation of a cast on a broken leg or the client provides information of a scheduled surgery or recuperation from surgery. Minor ailments and injuries such as colds, broken fingers or rashes are not serious

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enough normally to exempt the individual under this criterion.

- B) An individual is chronically ill or incapacitated, as determined by the local office, when a physician or licensed or certified psychologist finds that a physical or mental impairment, either by itself or in conjunction with age or other factors, prevents the individual from engaging in employment or participating in JOBS. This includes a 60 day period of recuperation after childbirth.

- C) When an individual is determined either temporarily or chronically ill or incapacitated, the exemption shall continue until further action is taken by the Department. When the exemption is initially granted, the Department will establish a date as to when the condition warranting the exemption is expected to end or, upon case review, the exemption will be reevaluated to determine whether the individual continues to be exempt under the same procedures as for the initial determination of exemption with appropriate notice to the individual that the reevaluation is necessary.

- 2) The recipient provides full-time care for another household member due to that person's medical condition or incapacity.

c) Time Limit on Receipt of Cash Assistance

- 1) Receipt of cash assistance by TWI participants shall be limited to 24 months. Months in which the participant has earnings or is exempt do not count toward the 24 month limit.
- 2) Beginning with the first month of the 24 month eligibility period, the addition to the household of a child under age 13 or the birth of a child more than 10 months later shall not extend the 24 month period of eligibility.

- 3) After reaching the 24 month limit, the participant shall be ineligible for cash assistance for a period of 24 months. When the participant is off AFDC cash assistance for 24 consecutive months, for any reason, the 24 month period of eligibility will start over.

d) Participation Requirements

During the 24 month eligibility period, participants must cooperate with the requirements of the AFDC JOBS Program as described in 89 Ill. Adm. Code 112.72. Participants who fail to cooperate shall be subject to sanctions.

e) Sanctions

- 1) Conciliation (see 89 Ill. Adm. Code 112.77) will be attempted with participants who fail to meet participation requirements without good cause (see 89 Ill. Adm. Code 112.80).
- 2) When conciliation is unsuccessful, the following penalties will apply:
- A) First sanction - The participant's needs will be removed from the grant until the participant agrees to cooperate.

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- B) Second sanction - The participant's needs will be removed from the grant until the participant agrees to cooperate or for three months, whichever is longer.
- C) Third sanction - The participant's needs will be removed from the grant until the participant agrees to cooperate or for six months, whichever is longer.
- D) Fourth (or more) sanction - The entire grant will be discontinued until the participant agrees to cooperate or for six months, whichever is longer.
- 3) When a participant refuses a bonafide offer of suitable employment (see 89 Ill. Adm. Code 112.72(a)(3) and (4)), the entire grant will be discontinued until the participant becomes employed or for three months, whichever comes first. This action is independent of the four level progressive sanctions described in subsections (e)(2)(A) through (D) of this Section. It does not count in the progression or change the order of these four sanctions.
- 4) Months during which the participant is sanctioned shall count as part of the 24 month eligibility period if the participant would otherwise have received cash assistance.
- f) Component Assignments for TWI Participants
- 1) Initial Component Assignment
- A) Participants with a high school diploma, GED or recent work history will initially be required to complete eight weeks of independent Job Search followed by assisted Job Search.
- B) Participants who have neither a high school education nor recent work history will initially be given a choice of independent Job Search, Job Search plus job training or GED.
- 2) Work First
- A) Participants who have completed their appropriate component and have not become employed after 12 months will be assigned to Work First.
- B) Participants in Work First must work 60 hours per month in an assigned, subsidized work position. Their APDC grant will be reduced by this amount (60 hours x minimum wage). They will be paid minimum wage, by the employer, for only the number of hours they actually work.
- C) Participants in Work First must also complete 20 hours of Job Search per month.
- D) Participants will be assigned to Work First until they find unsubsidized employment or for a maximum of six months, whichever comes first.
- E) Participation in Work First does not extend the 24 month eligibility period.
- F) The Department will develop Work First positions with private employers and will provide Worker's Compensation Coverage for participants.
- g) Supportive Services

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Participants shall be provided all needed supportive services as described in 89 Ill. Adm. Code 112.82.

(Source: Added at 20 Ill. Reg. 5685, effective
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- 1) Heading of the Part: Practice in Administrative Hearings
- 2) Code Citation: 89 Ill. Adm. Code 104
- 3) Section Numbers:

<u>Adopted Action:</u>	
104.105	New Section
104.207	New Section
104.213	New Section
104.249	New Section
- 4) Statutory Authority: Sections 10-17.7 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. 10-17.7 and 12-13] and Public Acts 88-687 and 89-6.

- 5) Effective Date of Amendments: March 28, 1996

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these Amendments contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: March 28, 1996

- 9) Notice of Proposal Published in Illinois Register: November 13, 1995 (19 Ill. Reg. 15353)

- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

- 11) Differences between proposal and final version: The following changes were made in the text of the proposed amendments:

1. In Section 104.249(a), the ILCS citation was changed from parenthesis to brackets.
2. In Section 104.249(a), "that Section of the Act" was replaced by "Section 11".

No other changes have been made in the text of the proposed amendments.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these Amendments replace Emergency Amendments currently in effect?
Yes

- 14) Are there any Amendments pending on this Part? No

- 15) Summary and Purpose of Amendments: Pursuant to provisions of Public Act

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88-687 and Public Act 89-6, these amendments are necessary to establish the administrative process to determine paternity. The Department can use an administrative order to establish paternity and support obligations for a child born out of wedlock who receives cash or medical assistance. The administrative order does not require the caretaker relative or the noncustodial parent of a child born out of wedlock to appear in court to establish paternity or support obligations.

These amendments establish the provisions for the conduct of hearings on petitions for release from administrative paternity orders, the notice of contested paternity hearings, the demand for judicial jury trial in contested paternity hearings and genetic testing in contested paternity hearings.

Companion amendments in 89 Ill. Adm. 160 are also being adopted.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna
Address: Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
Telephone: (217) 524-0081

The full text of the Adopted Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER a: GENERAL PROVISIONS

PART 104

PRACTICE IN ADMINISTRATIVE HEARINGS

SUBPART A: ASSISTANCE APPEAL

Section

104.1	Assistance Appeals
104.10	Initiation of Appeal Process
104.11	Pre-Appeal Review
104.12	Notice of Hearing
104.20	Conduct of Hearings
104.21	Representation
104.22	Appellant Participation in Hearing
104.23	Evidentiary Requirements
104.30	Subpoenas
104.35	Amendment of Appeal
104.40	Consolidation of Appeals
104.45	Postponement or Continuation of Hearings
104.50	Withdrawal of Appeal
104.55	Closing of Hearing Record
104.60	Dismissal of Appeal
104.70	Final Administrative Decision
104.80	Public Aid Committee

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section

104.100	Responsible Relative and Joint Payee Petitions
104.101	Petition for Hearing
104.102	Conduct of Administrative Support Hearings
104.103	Conduct of Hearings to Contest the Determination of Past-Due Support or of Share of Jointly-Owned Funds
104.104	Conduct of Other Hearings
104.105	Conduct of Hearings on Petitions for Release from Administrative Paternity Orders

SUBPART C: MEDICAL VENDOR HEARINGS

Section

104.200	Applicability
104.202	Definitions
104.204	Notice of Denial of an Application
104.206	Notice of Intent to Recover Money
104.207	Notice of Contested Paternity Hearing

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104.208	Notice of Intent to Terminate, Suspend or Not Renew Provider Agreement
104.209	Notice of Intent to Certify Past-Due Support Owed by a Responsible Relative to a State Licensing Agency and to Take Disciplinary Action
104.210	Right to Hearing
104.211	Notice of Termination or Suspension Pursuant to Exclusion by the Department of Health and Human Services
104.212	Prior Factual Determinations
104.213	Demand for Judicial Jury Trial in Contested Paternity Hearings
104.215	Notice of Formal Conference
104.216	Formal Conference on Recovery of Money
104.217	Purpose of Formal Conference
104.220	Notice of Hearing
104.221	Issues at Hearings
104.225	Legal Counsel
104.226	Appearance of Attorney or Other Representative
104.230	Notice, Service and Proof of Service
104.231	Form of Papers
104.235	Discovery
104.240	Conduct of Hearings
104.241	Amendments
104.242	Motions
104.243	Subpoenas
104.244	Burden of Proof
104.245	Witness at Hearings
104.246	Evidence at Hearings
104.247	Cross-Examination
104.249	Genetic Testing in Contested Paternity Hearings
104.250	Official Notice
104.255	Computer Generated Documents
104.260	Recommendation of Peer Review Committee
104.270	Time Limits for Hearings
104.271	Continuances and Extensions
104.272	Withholding of Payments During Pendency of Proceedings
104.273	Continuation of Payments During Pendency of Proceedings
104.274	Denial of Payments for Services During Pendency of Proceedings
104.280	Record of Hearings
104.285	Failure to Appear or Proceed
104.290	Recommended Decision
104.295	Director's Decision

SUBPART D: RULES FOR JOINT DEPARTMENT ACTIONS AGAINST SKILLED NURSING FACILITIES AND INTERMEDIATE CARE FACILITIES PARTICIPATING IN THE MEDICAID PROGRAM

Section
104.300
104.302

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104.304 Department Actions Against Nursing Homes Facilities
104.310 Certification
104.320 Joint Administrative Hearing
104.330 Facilities Certified Under Both Medicare and Medicaid

SUBPART E: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS

104.400 Suspected Intentional Violation of the Program
104.410 Advance Notice of Administrative Disqualification Hearing
104.420 Postponement of Hearing
104.430 Administrative Disqualification Hearing Procedures
104.440 Failure to Appear
104.450 Participation While Awaiting a Hearing
104.460 Consolidation of Administrative Disqualification Hearing with Fair Hearing
104.470 Administrative Disqualification Hearing Decision and Notice of Decision
104.480 Appeal Procedure

SUBPART F: INCORPORATION BY REFERENCE

Section
104.800 Incorporation by Reference

AUTHORITY: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].

SOURCE: Filed and effective December 30, 1977; emergency rule at 2 Ill. Reg. 11, p. 151, effective March 9, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 10, effective May 26, 1978; amended at 2 Ill. Reg. 33, p. 57, effective August 17, 1978; peremptory amendment at 3 Ill. Reg. 11, p. 38, effective March 1, 1979; amended at 4 Ill. Reg. 21, p. 80, effective May 8, 1980; peremptory amendment at 5 Ill. Reg. 1197, effective January 23, 1981; amended at 5 Ill. Reg. 10753, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 8 Ill. Reg. 5274, effective April 9, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 16979; amended at 8 Ill. Reg. 18114, effective September 21, 1984; amended at 10 Ill. Reg. 10129, effective June 1, 1986; amended at 11 Ill. Reg. 9213, effective April 30, 1987; amended at 12 Ill. Reg. 9142, effective May 16, 1988; amended at 13 Ill. Reg. 3944, effective March 10, 1989; amended at 13 Ill. Reg. 17013, effective October 16, 1989; amended at 14 Ill. Reg. 18836, effective November 9, 1990; amended at 15 Ill. Reg. 5320, effective April 1, 1991; amended at 15 Ill. Reg. 6557, effective April 30, 1991; amended at 16 Ill. Reg. 12903, effective August 15, 1992; amended at 16 Ill. Reg. 16632, effective October 23, 1992; amended at 16 Ill. Reg. 18834, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 659, effective January 7, 1993, for a maximum of 150 days; amended at 17 Ill.

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Reg. 7025, effective April 30, 1993; amended at 18 Ill. Reg. 11260, effective July 1, 1994; amended at 19 Ill. Reg. 1321, effective January 30, 1995; emergency amendment at 19 Ill. Reg. 10268, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 15521, effective October 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15711, effective November 6, 1995; amended at 20 Ill. Reg. 1729, effective December 29, 1995; amended at 20 Ill. Reg. 5699, effective

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SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section 104.105 Conduct of Hearings on Petitions for Release from Administrative Paternity Orders

Hearings on petitions for release from an administrative paternity order entered under subsection (b) of Section 160.61 shall be governed by Section 104.102, except that subsections (a) and (c) shall not apply, and the hearing shall consider only the issue of whether the Department's policies and procedures were followed in entering the administrative paternity order.

(Source: Added at 20 Ill. Reg. 5699, effective MAR 28 1996)

SUBPART C: MEDICAL VENDOR HEARINGS

Section 104.207 Notice of Contested Paternity Hearing

a) In a matter referred to a Department Hearing Officer pursuant to Section 160.61(c)(5) for a contested paternity hearing, the Department shall notify the alleged father of the hearing in writing, setting forth:

- 1) the time, place and nature of the hearing;
- 2) the legal authority and jurisdiction under which the hearing is to be held;
- 3) a reference to the particular Sections of the substantive and procedural statutes and rules involved;
- 4) the consequences of the failure to appear at the hearing;
- 5) the Title IV-D case name and identification number, the names and birthdates of the children he is alleged to have fathered and the name of the mother; and
- 6) that the alleged father has the right to demand a judicial trial by jury and that this demand must be made no later than 28 days after receipt of the notice provided pursuant to this Section.

b) No request for a hearing or other pleading need be filed in response to the notice.

(Source: Added at 20 Ill. Reg. 5699, effective

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Section 104.213 Demand for Judicial Jury Trial in Contested Paternity Hearings

- a) A respondent in a contested paternity hearing may file a demand in writing for a judicial jury trial. This demand must be filed no later than 28 days after receipt of the notice served pursuant to Section 104.207.
- b) In hearings in which such a demand is filed, the Department shall retain jurisdiction over the respondent until genetic tests are ordered pursuant to Section 104.249 and the results have been received. The Department will refer for judicial action in Circuit Court any matter in which a demand for judicial jury trial has been timely filed.

(Source: Added at 20 Ill. Reg. 5699, effective MAR 28 1996)

Section 104.249 Genetic Testing in Contested Paternity Hearings

- a) In contested paternity hearings, the provisions of Section 11 of the Illinois Parentage Act of 1984 (750 ILCS 45/11) shall govern the ordering of genetic testing, the admissibility of test results, presumptions based on the results and all other issues relating to genetic testing. References in Section 11 to "the court" shall be deemed to mean the Department Hearing Officer.
- b) Regardless of whether a demand for a judicial trial has been filed under Section 104.213, if a respondent fails to comply with an order to submit to genetic testing, an administrative order establishing paternity may be entered against him.

(Source: Added MAR 28 1996 20 Ill. Reg. 5699, effective MAR 28 1996)

- 1) Heading of the Part: Related Program Provisions
- 2) Code Citation: 89 Ill. Adm. Code 117
- 3) Section Numbers: Adopted Action:
117.15 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 89-289
- 5) Effective Date of Amendments: March 30, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: March, 30, 1996
- 9) Notice of Proposal Published in Illinois Register: October 6, 1995 (19 Ill. Reg. 13816)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: No changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? Yes
- 14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: Pursuant to provisions of Public Act 89-289, the Department is initiating a Demonstration Project concerning Quarterly Reporting and Employment Reporting. The Quarterly Reporting - Failure to Report Employment Demonstration Project will operate in eight local offices Statewide. This demonstration project will allow caseworkers, within specific demonstration project areas, to budget income on a quarterly, rather than a monthly, basis.

Currently caseworkers spend a considerable amount of time budgeting client earnings monthly. Under the Quarterly Reporting - Failure to Report Employment Demonstration Project, the budgeting process would be limited to four times a year thus allowing time to better serve clients' other needs. It is anticipated that approximately 3,306 clients in the

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an incomplete report, AFDC may be terminated. The Department will send the client a notice of the action to arrive not later than the date the payment would have been made if the Department had received a completed report on time. If the family is found ineligible or eligible for a grant less than that of the prior month, the Department will promptly notify the client of the right to a fair hearing and the right to have assistance reinstated. If a hearing is requested on or before the date of change or within ten calendar days of the date of notice, whichever is later, assistance will be reinstated to the level of the prior month.

If a completed report form is received by the end of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the entire three-month period will be determined. If eligible, all the applicable earned income disregards will be allowed for the entire three-month period. If, however, a completed report form is received after the last calendar day of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the month of receipt and the third month, if applicable, will be determined. Eligibility for a cash payment for the first payment month of the three-month period will not exist. The client will be allowed all the applicable earned income disregards for those months for which eligibility is determined.

Companion amendments are being adopted in 89 Ill. Adm. Code 112 and 170.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name:	Judy Umunna
Address:	Bureau of Rules and Regulations Illinois Department of Public Aid 100 South Grand Avenue East, Third Floor Springfield, Illinois 62762
Telephone:	(217) 524-0081

The full text of the Adopted Amendments begins on the next page:

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demonstration project areas will be affected.

All AFDC caretaker relatives who are required to file quarterly reports will be notified of their responsibility, receive a complete explanation of the requirements and will be informed of the due date for the first report. AFDC clients that must report earnings will have their benefits calculated quarterly with consideration given to monthly income and attendant circumstances. During the application process, the actual amount of income received in the Initial Prorated Entitlement (IPE) period will be used to determine the amount of the applicant's initial warrant. Income averaging will then be used to compute the client's first regular payment.

Clients who fail to report their earnings will be cancelled once it is discovered by the Department via crossmatch with the Illinois Department of Employment Security (IDES). In addition, an overpayment will be referred for all assistance received from the first month of the crossmatch quarter to the present. The client will be given timely notification of the action taken.

As a result of these amendments, for clients in the Quarterly Reporting - Failure to Report Employment Demonstration Project, budgeting will be done prospectively. Each assistance unit in the demonstration project that is required to report must submit a written completed report form to the Department quarterly. The information to be reported will be regarding the assistance unit's income, assets, family composition and other factors pertinent to AFDC eligibility for the budget month and any changes in these factors which the unit expects to occur in the current or future months.

The assistance units which must report are assistance units which contain a household member who is employed or who has lost employment within one of the last three months. All AFDC assistance units which must report quarterly will have their benefits calculated for three months by considering income and attendant circumstances on a prospective basis. Earnings will be budgeted prospectively for a three-month period based on the quarterly report provided by the client. Income averaging will be used to determine the amount of income to budget for a three-month period.

When the completed quarterly report is received, the Department will determine if eligibility continues and process any adjustments to the payment. The Department will notify the caretaker relative of any changes in the payment and the reason or reasons for the change. If the AFDC grant is being reduced or terminated as a result of information contained in the report, the notification will be mailed to arrive no later than the payment or the day the payment would have arrived.

If the Department does not receive the quarterly report or receives only

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 117

RELATED PROGRAM PROVISIONS

Section

- 117.1 Incorporation By Reference
- 117.10 Payee For Financial Assistance
- 117.15 Reinstatement Upon Agreement to Cooperate
- 117.20 Replacement of Missing Warrants
- 117.30 Withholding of Rent (Repealed)
- 117.40 Recovery of Interim Assistance - Aid to the Aged, Blind or Disabled and General Assistance
- 117.50 Funerals and Burials
- 117.51 Funeral Home Services
- 117.52 Burial Expenses
- 117.53 Payment to Vendor(s)
- 117.54 Claims for Reimbursement
- 117.55 Submittal of Claims
- 117.60 Substitute Parental Care/Supplemental Child Care - AFDC, AABD and GA Family Cases
- 117.70 Charge for Replacement of Photo ID Cards (Repealed)
- 117.80 Direct Deposit of Recipients' Warrants
- 117.90 State Income Tax Match

AUTHORITY: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code (305 ILCS 5/Arts. III, IV and VI, and 12-13).

SOURCE: Filed and effective December 30, 1977; amended at 2 Ill. Reg. 31, p. 68, effective August 3, 1978; amended at 3 Ill. Reg. 38, p. 258, effective September 20, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 16111, effective November 22, 1983; amended at 9 Ill. Reg. 3726, effective March 13, 1985; amended at 9 Ill. Reg. 4526, effective March 20, 1985; amended at 9 Ill. Reg. 8733, effective May 29, 1985; amended at 9 Ill. Reg. 10779, effective July 5, 1985; amended at 9 Ill. Reg. 16914, effective October 16, 1985; amended at 11 Ill. Reg. 4759, effective March 13, 1987; amended at 12 Ill. Reg. 2985, effective January 13, 1988; amended at 12 Ill. Reg. 13608, effective August 15, 1988; amended at 12 Ill. Reg. 14296, effective August 30, 1988; amended at 13 Ill. Reg. 3936, effective March 10, 1989; amended at 14 Ill. Reg. 780, effective January 1, 1990; amended at 14 Ill. Reg. 9488, effective June 1, 1990; amended at 15 Ill. Reg. 13533, effective August 1, 1991; amended at 16 Ill. Reg. 16644, effective October 23, 1992; emergency amendment at 17 Ill. Reg. 2368, effective February 8, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 8191, effective May 24, 1993; amended at 18 Ill. Reg. 3746, effective

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February 28, 1994; amended at 18 Ill. Reg. 7403, effective April 29, 1994; amended at 19 Ill. Reg. 1103, effective January 26, 1995; amended at 19 Ill. Reg. 10702, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 15267, effective November 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 877, effective January 1, 1996; amended at 20 Ill. Reg. 5706, effective

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Section 117.15 Reinstatement Upon Agreement to Cooperate

- a) Whenever financial aid is reduced or terminated due to the failure of the client to cooperate with the Department and the client, within ten working days after the first day the financial aid would have been available, indicates his or her willingness to cooperate with the Department, the financial aid shall be reinstated in full, retroactive to the date the change or termination of the grant occurred, provided the client is not otherwise ineligible for financial assistance for the period in question.
- b) Failure to cooperate includes but is not limited to:
 - 1) failure to keep an appointment;
 - 2) failure to attend a meeting;
 - 3) failure to produce proof or verification of eligibility or need in response to a Department request to contact it; or
 - 4) failure to be available for a home visit.
- c) Whenever a client whose benefits have been reduced or terminated for failure to cooperate contacts the Department about the termination or reduction within ten working days after the first day the financial aid would have been available, the Department shall inform the client that his or her financial assistance will be reinstated if he or she indicates a willingness to cooperate. The client shall be deemed willing to cooperate with the Department when he or she makes contact with the Department for the purpose of speaking to appropriate staff and indicating a willingness to cooperate.
- d) The client's willingness to cooperate shall be demonstrated by his or her willingness to attend a rescheduled appointment or meeting, producing needed proof or verification, agreeing to attempt to obtain needed proof or verification, asking for help in obtaining proof or verification or seeking whatever is needed to determine continued eligibility.
- e) If the client fails to cooperate a second time for the same reason after being reinstated once under this Section, assistance will not be reinstated again until the client actually cooperates. If the client expresses a willingness to cooperate within ten working days after the first day the financial aid would have been available, and actually cooperates, the financial aid will be reinstated in full as in subsection (a) of this Section.
- f) The policy in this Section does not apply in the case of sanctions imposed due to the failure of a client to participate, as required, in the child support enforcement program (see 89 Ill. Adm. Code 160) or

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in any educational, training or employment program conducted through the Department.

g) The policy in this Section also does not apply to any cancellation, revocation, reduction, termination or sanction imposed for the failure of any recipient to cooperate in the monthly reporting process.

h) The policy in this Section does not apply to cancellations of clients who fail to report their earned income through the Quarterly Reporting - Failure to Report Employment Demonstration Project (see 89 Ill. Adm. Code 170.380).

(Source: Amended at 20 Ill. Reg. 5706, effective MAR 30 1996)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF MODIFICATION TO EMERGENCY RULES IN RESPONSE TO AN OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Background Checks
- 2) Code Citation: 89 Ill. Adm. Code 385
- 3) Section Numbers: 385.10, 385.20, 385.30, 385.40, 385.50, 385.60, 385.70, 385.80
- 4) Notice of Emergency Amendments Published in the Illinois Register:

March 1, 1996 20 Ill. Reg. 3930
(Issue Date)

- 5) JCAR Statement of Objection to Emergency Amendments published in the Illinois Register:

APR 4 1996, 20 Ill. Reg. 5743
(Issue Date)

- 6) Date agency submitted this modification to JCAR for approval: March 27, 1996

- 7) Summary of Action Taken by the Agency:

1) The Joint Committee objected to the inclusion, as an emergency, of a provision requiring certification by the license applicant that he or she is not more than 30 days delinquent in complying with a child support order.

In response, the Department has amended Sections 385.20, 385.30, 385.70, and 385.80 by deleting all references to compliance with child support orders.

2) The Joint Committee objects to the fact that the emergency rules specifies that they apply to child care facility licensure" applicants and other persons subject to background checks" on the grounds that the public does not know how to interpret the "other persons" language. The Department needs to amend the rule to specifically delineate the persons who must currently submit to background checks.

In response, the Department agrees with the objection and has made the following changes: In Section 385.20 the definition of "License applicant" was modified to state "for purposes of background checks"; the definition of "Persons subject to background checks" was modified by the addition of the word "operator(s)"; the definition of "Statewide Child Sex Offender Registry" was modified by the addition of the effective date of June 1, 1996. In Section 385.30(c)(2) a new

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paragraph was added clarifying the use of parents who occasionally assist with the child care facility program; and in subsection (d) a paragraph labeled (3) was added describing when a permit may be issued.

- 3) The Joint Committee has objected to the requirement that conditional employees, whose fingerprinting results have not yet been received, not be left alone with children.

In response, the Department has added to Section 385.20 a definition of "initial background check" meaning fingerprints have been obtained and the individual has cleared a check of the Child Abuse Neglect Tracking System (CANTS). In addition the Department has shortened the time frames for submitting signed authorizations and allows a permit to be issued when prospective employees have been fingerprinted and obtained CANTS clearances.

- 4) The Joint Committee objects to the statement in Section 385.10 that background checks "may" be required for purchase of service providers who have contact with children, but includes no standards by which the Department will determine for whom the checks are required.

In response, the Department has deleted this provision from the emergency rules and will provide the requested standards and criteria when the final rules are adopted.

- 7) The full text of the Sections of the emergency amendments being modified begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER d: LICENSING ADMINISTRATION

PART 385
BACKGROUND CHECKS

Section	Purpose
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EMERGENCY	
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APPENDIX A	Criminal Convictions Preventing Licensure or Employment
EMERGENCY	

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10]

SOURCE: Emergency rules adopted at 10 Ill. Reg. 19123, effective October 29, 1986, for a maximum of 150 days; adopted at 11 Ill. Reg. 6398, effective March 31, 1987; amended at 13 Ill. Reg. 5917, effective May 1, 1989; emergency amendment at 20 Ill. Reg. 3640, effective March 1, 1996, for a maximum of 150 days; modified in response to Joint Committee On Administrative Rules objection at 20 Ill. Reg. 5712.

Section 385.10 Purpose
EMERGENCY

The purpose of this Part is to ensure the safety and well-being of children cared for in any facility subject to licensing by the Department of Children and Family Services by requiring that the applicants for operators of child

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care facilities and other persons subject to background checks, as defined in Section 385.20, be screened for a history of child abuse or child neglect, prior criminal activities or pending criminal charges. In addition, the Department may require purchase of service providers who have contact with children as part of their duties to authorize a background check, as required by this Part.

(Source: Modified in response to Joint Committee On Administrative Rules objection at 20 Ill. Reg. 5712.)

Section 385.20 Definitions
EMERGENCY

"Adult" means any person who is 18 years of age or older.

"Assistant" or "child care assistant" means a person (whether a volunteer or an employee) who assists a licensed home caregiver in the operation of the day care home, group day care home, or foster family home.

"Background check" means:

- a criminal history check via fingerprints of persons age 18 and over that are submitted to the Illinois Department of State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate, or via a LEADS check of persons ages 13 through 17; and
- a check of the Child Abuse and Neglect Tracking System (CANTS) to determine whether an individual has been alleged or indicated as a perpetrator of child abuse or neglect; and
- a check of the Statewide Child Sex Offender Database (beginning June 1, 1996), and
- a check of child support records to determine whether each licensee or license applicant is delinquent in paying an order of child support.

"CANTS" means the Child Abuse and Neglect Tracking System operated and maintained by the Illinois Department of Children and Family Services.

"Child" means any person under 18 years of age. (Section 2.01 of the Child Care Act of 1969 [225 ILCS 10/2.01])

"Child care facility" means any person, group of persons, agency, association or organization, whether established for gain or

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otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in the Child Care Act of 1969, established and maintained for the care of children. Child care facility includes a relative who is licensed or who applies for a license as a foster family home under Section 4 of the Child Care Act of 1969. [225 ILCS 10/2.05] A child care facility may consist of distinct unit(s), division(s), or department(s) of a multi-function agency. "Child care facility" is further defined in Section 2.05 of the Child Care Act of 1969. As used in this Part, "child care facility" means any child care institution, maternity center, child welfare agency, day care center, day care agency, group home, foster family home, day care home, group day care home, or youth emergency shelter as defined by the Child Care Act of 1969.

"Conditional employee" means an individual (including any substitute, assistant, volunteer or work-study student used to replace or supplement staff in the direct care or supervision of child(ren) who has applied for and been conditionally selected to perform child care functions or administrative, professional, or support functions that involve contact with children as part of the job duties in the present or prospective employment and who has commenced such duties while awaiting the results of the background check required by this Part.

"Conviction" means a judgment of conviction or sentence entered upon a plea of guilty or upon a verdict or finding of guilty of an offense, rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury. (Section 2-5 of the Criminal Code of 1961 [720 ILCS 5/2-5])

"Denial of application for license" means the refusal to grant a license to a person, group of persons, agency, association or organization that applied for a license to operate a child care facility.

"Department" means the Illinois Department of Children and Family Services. (Section 2.02 of the Child Care Act of 1969)

"Director" means the Director of the Illinois Department of Children and Family Services.

"Employee", as used in this Part, means any staff person employed by a child care facility, and includes any substitute, assistant, volunteer or work-study student used to replace or supplement staff in the direct care or supervision of child(ren). This definition includes administrative, professional and other support staff who have contact

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with children as part of the duties in the present or prospective employment.

"Governing body," as used in this Part, means the board of directors of a corporation; otherwise, the term means the owner(s) or other person(s), agency, association or organization legally responsible for the operation of the child care facility.

"Initial background check" means fingerprints have been obtained, as verified by a receipt from the fingerprint vendor, and the individual has cleared a check of the Child Abuse Neglect Tracking System (CANTS).

"LEADS" means Law Enforcement Agency Data System.

"License" means a document issued by the Department of Children and Family Services which authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act of 1969.

"License applicant", for purpose of background checks, means the operator or person with direct responsibility for daily operation of the facility to be licensed.

"Licensing representative," for purposes of this Part, means Department staff authorized under the Child Care Act of 1969 to examine facilities for licensure.

"Member of the household" means a person who resides in the household of a family home as evidenced by maintaining clothing and personal effects at the household address, or receiving mail at the household address, or using identification with the household address.

"Minor traffic violation", as used in this Part, means a traffic violation under the laws of the State of Illinois or any municipal authority therein or another state or municipal authority which is punishable solely as a petty offense. (Section 6-601 of the Illinois Driver Licensing Law [625 ILCS 5/6-601])

"Multi-function agency," as used in this Part, means an agency, association, or other organization which operates a child care facility, child welfare agency, or day care agency in addition to other services not subject to licensure under the Child Care Act of 1969. A child care facility, child welfare agency, or day care agency may consist of distinct unit(s), division(s), or department(s) of a multi-function agency. In a multi-function agency, only the persons with direct authority for the operations of the child care facility

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and those who have contact with children as part of the duties in the present, prospective, or conditional employment are subject to the background check requirements of this Part.

"Operator" means the person(s) responsible for the day-to-day management of the child facility. If the governing body is a partnership, association, or corporation, "operator" means the chief executive officer or other persons serving in like capacity.

"Parental involvement" means occasional parental assistance with a child care program such as participation in field trips, parties, attendance on special days or for special events, or parental support and cooperation in the classroom on an infrequent basis, not to exceed an average of three times per month.

"Persons subject to background checks" means the operator(s) of the child care facility, and all current, conditional and prospective employees of the child care facility, as defined in this Section. If the child care facility operates in a family home, the license applicant(s)/operator(s) and all members of the household age 13 and over are subject to background checks, as appropriate, even if these members of the household are not usually present in the home during the hours the child care facility is in operation.

"Prospective employee" means an individual (including any substitute, assistant, volunteer or work-study student used to replace or supplement staff in the direct care or supervision of child(ren)) selected by the governing body or operator of a child care facility who has met the qualifications for his or her position with the exception of the background check required by this Part and a medical examination (if required by applicable licensing standards) and who has not yet commenced employment.

"Purchase of service provider" means an agency or individual(s) offering services to Department client(s) through a signed contract with the Department.

"Review" means the Department's reconsideration of a decision to deny licensure based upon a record as a perpetrator of child abuse or neglect, a prior criminal history or pending criminal charges.

"State Central Register" means the child abuse and neglect data system maintained by the Department pursuant to the Abused and Neglected Child Reporting Act [325 ILCS 40].

"Statewide Child Sex Offender Registry" means the registry of felony child sex offenders operated and maintained by the Illinois State

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Police (effective June 1, 1996).

"Substitute" means a permanent or temporary employee(s) who is used to replace or supplement regular staff.

"Supervising agency" means a licensed child welfare agency, a licensed day care agency, a license exempt agency, or the Department of Children and Family Services.

(Source: Modified in response to Joint Committee On Administrative Rules objection at 20 Ill. Reg. 5712.)

Section 385.30 Applicability of This Part
EMERGENCY

a) Effective Date of Emergency Amendments

These emergency amendments become effective March 1, 1996.

b) Scope of Background Checks

1) All persons subject to background checks pursuant to this Part shall be processed through the Child Abuse and Neglect Tracking System (CANTS) and the Statewide Child Sex Offender Database (beginning June 17, 1996). Fingerprints of all persons age 18 and over shall be submitted to the Illinois State Police for a criminal history check. A Law Enforcement Agency Data System (LEADS) check shall be completed for all persons ages 13 through 17 who are subject to background checks, as defined in Section 385.20. In addition, the license applicant(s) must certify under penalty of perjury that he or she is not more than 30 days delinquent in complying with a child support order. Failure to so certify may result in a denial of the license application. Refusal to renew the license, or revocation of the license, is \$65-\$100+\$10-\$65(1)

2) Fingerprints for the following persons age 18 and over shall be submitted to the Federal Bureau of Investigation (FBI) for a search of its records for evidence of prior criminal activity:

- A) persons who have a record of criminal activity which may impact their suitability for licensure/employment by their own acknowledgment or according to the records of the Illinois Department of State Police; and
- B) persons who have resided in the State of Illinois for five years or less.

c) A Condition of Employment or Volunteer Service

1) As a condition of employment and continuing employment in a licensed child care facility in a position which involves contact with children, all persons who begin employment or volunteer service on or after March 1, 1996, shall complete and sign authorizations for background checks. This applies to all

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prospective and conditional employees subject to background checks, as defined in Section 385.20, and to volunteers used to replace or supplement staff in the direct care and supervision of children.

2) Parents who assist occasionally (an average of not more than three times per month) with the child care facility program are not considered volunteers if the child care facility maintains its full staff-child ratio when the parents are present, parents do not assume the regular duties of staff, parents are under the direct supervision of staff and are not left alone unsupervised with children (other than their own). Such parental involvement does not constitute a volunteer used to replace or supplement staff and is not subject to the background check requirements of this Part.

3) Complete, signed authorizations must be mailed or faxed to received by the Department of Children and Family Services within two business ten-calendar days after the person's employment or the beginning of the volunteer service. All facsimile transmissions shall be sent to the Employment Fax Line at (217) 785-6368.

d) Entities with Application for Initial License Pending as of March 1, 1996

1) Child care facilities which have an application for initial license pending as of March 1, 1996 must submit a list of all persons subject to background checks along with complete signed authorizations for every person subject to background checks, as required by these amendments, for the initial application to be considered complete. The list of persons subject to background checks and complete signed authorizations for background checks must be submitted to the Department of Children and Family Services postmarked no later than March 16, 1996.

e) Child Care Facilities that Operate Within a Family Home

2) If the child care facility operates in a family home, adult members of the household shall be fingerprinted to be screened for prior criminal activities and current pending criminal charges in accordance with the requirements of this Part. Members of the household ages 13 through 17 shall be screened for prior criminal activities via the LEADS system. All household members age 13 and over shall be screened for a history of child abuse or neglect and beginning June 17, 1996 for inclusion in the Statewide Child Sex Offender Database. These background checks are required even if members of the household usually are not present in the home during the hours the child care facility is in operation.

3) A permit may be issued when the license applicant has cleared a complete background check (CANTS, criminal history, and after June 1, 1996, the Statewide Child Sex Offender Registry) and all

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prospective employees have been fingerprinted, as verified by a fingerprint receipt, and obtained their CANTS clearances in accordance with Section 385.50.

e) ~~f~~ Responsibility for Cooperation

Child care facilities shall be responsible for ensuring that persons subject to criminal background checks make themselves available for fingerprinting when scheduled by the Department or its authorized representative(s). Failure of a person subject to criminal background checks to appear for scheduled fingerprinting may result in the denial of a license application or refusal to renew or revocation of an existing license. Adequate cause for failure to appear for fingerprinting includes, but is not limited to:

- 1) death in the family of the person; or
- 2) serious illness of the person or illness in the person's immediate family.

f) ~~g~~ Limitations of Criminal Offenders

Persons age 18 and over who have been convicted of committing or attempting to commit the offenses in Section 385.40(a) or (b) (when applicable) and persons age 13 and over who are included in the Statewide Child Sex Offender Database shall not:

- 1) receive a license from the Department to operate a child care facility; or
- 2) be employed by a child care facility licensed by the Department in a position which involves contact with children as part of the duties; or
- 3) be a member of the household in a family home in which a child care facility operates; or
- 4) obtain a contract from the Department to provide services which require contact with children as part of their duties, if the requirement for such background checks are a condition of the contract.

g) ~~h~~ Limitations of Perpetrators of Child Abuse/Neglect

Persons who have been indicated as the perpetrator of the child abuse/neglect allegations identified in Section 385.50(a) are presumed to be unfit for service which involves contact with children. These indicated perpetrators are limited in the same manner as the criminal offenders in subsection (f) ~~g~~ above unless the Director or designee has waived the presumption of unsuitability. Such waivers may be requested in accordance with Section 385.50(b).

(Source: Modified in response to 5712 Joint Committee On Administrative Rules objection at 20 Ill. Reg. _____)

Section 385.40 Criminal Convictions and Pending Criminal Charges
EMERGENCY

- a) Convictions that Serve as Bar to Licensure/Employment Involving

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Contact with Children

Persons with certain serious criminal convictions shall not receive a license from the Department of Children and Family Services or be employed in a licensed child care facility in a position that involves contact with children as part of the duties or reside in a family home in which a child care facility operates. This includes persons who have been:

- 1) declared a sexually dangerous person under Article 105 of the Code of Criminal Procedure of 1963 or identified as a child sex offender in the Statewide Child Sex Offender Database operated by the Illinois Department of State Police; or
- 2) convicted of committing or attempting to commit any of the offenses specified in Appendix A of this Part which are defined by the Criminal Code of 1961 [720 ILCS 5] or any earlier Illinois criminal law or code; or
- 3) convicted of committing or attempting to commit an offense in another state, the elements of which are similar and bear a substantial relation to any of the criminal offenses specified in Appendix A of this Part.

b) Special Provisions for Foster Family Homes

In addition to the provisions set forth in subsection (a) above, no applicant may receive a license from the Department to operate a foster family home, and no person may reside in a foster family home licensed by the Department, who has been convicted of committing or attempting to commit any of the offenses listed in Appendix A, Criminal Convictions Which Prevent Licensure of 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes or who is included in the Statewide Child Sex Offender Database.

c) Assessment of Criminal Convictions

Except as specified in subsections (a) and (b) of this Section, an individual convicted of a crime will not automatically be prohibited from licensure or employment in a child care facility or from obtaining a contract with the Department to provide services which require contact with children as part of their duties. Instead, the following shall be considered:

- 1) the nature of the crime for which the individual was convicted;
- 2) the circumstances surrounding the commission of the crime, including the age of the individual, that would demonstrate a low likelihood of repetition;
- 3) the period of time that has elapsed since the crime was committed and the number of crimes for which the individual was convicted;
- 4) evidence of rehabilitation such as successful participation in therapy since conviction;
- 5) granting by the Governor of a full and unconditional pardon or overturn of the conviction upon appeal;
- 6) character references; and
- 7) the relationship of the crime to the capacity to care for

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child(ren) or to be in contact with child(ren) cared for in a child care facility.

d) Assessment of Pending Criminal Charges

An individual against whom criminal charges are pending shall not be automatically denied licensure or employment because of the pending criminal charges. Instead, the following shall be considered:

- 1) the seriousness and nature of the charges which are pending including a determination of whether the charges are among those listed in Appendix A of this Part that serve as a bar to licensure or employment in a position that involves contact with children as part of the duties;
- 2) the circumstances surrounding the incident that led to the criminal charge;
- 3) the relationship of the charges to the ability to care for child(ren) or to be in contact with child(ren) in a child care facility;
- 4) whether the individual has ever been convicted of or charged with crimes of a similar nature; and
- 5) character references and other information, especially about the suitability of the individual to care for child(ren).

e) Notification of Hiring Decision

Child care facilities shall notify the Department in writing of their decision regarding the employment of a person with a criminal history. Such notice shall be postmarked within two business ~~five-calendar~~ days after the date of the facility decision regarding the hiring, continued employment or reassignment of the individual in question to a position which does not involve contact with children. If the facility chooses to retain the employee, the duties to be performed by the employee must be clearly specified in the notice provided to the Department.

(Source: Modified in response to 5712 Joint Committee On Administrative Rules objection at 20 Ill. Reg. 5712)

Section 385.50 Child Abuse or Child Neglect

EMERGENCY

a) Indicated Reports of Child Abuse/Neglect

The Department makes the presumption that an individual who has been determined to be a perpetrator of child abuse or neglect of the allegations listed below, as defined in Appendix B, Child Abuse and Neglect Allegations of 89 Ill. Adm. Code 300, Reports of Child Abuse and Neglect, is not suitable for work which involves contact with children.

- 1) Death
- 2) Brain damage or skull fracture
- 3) Subdural hematoma

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- 4) Internal injuries
- 5) Wounds (gunshot, knife, or puncture)
- 6) Torture
- 7) Sexually transmitted diseases
- 8) Sexual penetration
- 9) Sexual molestation
- 10) Sexual exploitation
- 11) Failure to thrive
- 12) Malnutrition
- 13) Medical neglect of disabled infant
- 14) A single indicated report of child abuse or neglect that resulted in serious injury to the child, regardless of the allegations involved
- 15) More than one indicated report involving any of the following allegations, regardless of severity:
 - A) Burns or scalding
 - B) Poison or noxious substances
 - C) Bone fractures
 - D) Cuts, bruises, or welts
 - E) Human bites
 - F) Sprains or dislocations
 - G) Tying or close confinement
 - H) Substance misuse
 - I) Mental injury
 - J) Substantial risk of physical injury
 - K) Inadequate supervision
 - L) Abandonment or desertion
 - M) Medical neglect
 - N) Lock-out
 - O) Inadequate food
 - P) Inadequate shelter
 - Q) Inadequate clothing
 - R) Environmental neglect

b) Assessment of Indicated Reports

- 1) A person determined to be the perpetrator of an indicated incident of abuse or neglect under Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3] shall not automatically be denied a license from the Department or be denied employment that involves contact with children in a child care facility licensed by the Department. Rather, the Department or the governing body, as applicable, shall provide the individual an opportunity to present evidence which demonstrates fitness for licensure or employment.
- 2) When the abuse or neglect includes allegations identified in subsection (a) of this Section, the Department presumes the prospective employee/license applicant is not suitable for work which involves contact with children. If the licensing entity

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(for license applicants) or the employer (for current, prospective and conditional employees) believes the individual is suitable for service which involves contact with children, the licensing entity or the employer may request a review and waiver of the presumption of unsuitability.

- 3) The Director of the Department or the Director's designee shall review any materials submitted on the individual's behalf and may waive the presumption that the individual is unsuitable for work which involves contact with children. If the Director or designee waives the presumption that the individual is unsuitable, the hiring or licensing decision shall be determined in accordance with the totality of the requirements of this Part and the applicable licensing standards. Such evidence shall include, but not be limited to:

- A) the nature of the abuse or neglect with which the individual was identified, including whether the abuse or neglect resulted in serious injury or death to a child or children;
 - B) the circumstances surrounding the commission of the abuse or neglect, including the age of the perpetrator and the child(ren), that would demonstrate unlikelihood of repetition;
 - C) the period of time that has elapsed since the abuse or neglect occurred and whether prior incidents of child abuse or child neglect have been indicated against the individual; whether the abuse or neglect involved a single or multiple child victims;
 - E) the relationship of the incident of child abuse or neglect to the individual's current or prospective job responsibilities within the child care facility;
 - F) whether the individual has been convicted of a criminal offense which might have bearing on the individual's ability to function in a child care facility as licensee or employee;
 - G) evidence of rehabilitation such as employment, education, participation in therapy since the indicated incident(s) of abuse or neglect; and
 - H) character references.
- c) Notification of Hiring Decision
Child care facilities shall notify the Department in writing of their decision regarding the employment of a person who has been indicated as a perpetrator of child abuse/neglect. Such notice shall be postmarked within two business five-calendar days after the facility decision regarding hiring, continued employment or reassignment of the individual in question to a position which does not involve contact with children. If the facility chooses to retain the employee, the duties to be performed by the employee must be clearly specified in the notice provided to the Department.

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(Source: Modified in response to Joint Committee On Administrative Rules objection at 20 Ill. Reg. 5718)

Section 385.60 Authorization for Background Checks
EMERGENCY

- a) Persons Required to Authorize Background Checks

All persons required to authorize background checks (as defined in Section 385.20) must authorize such checks as a condition of employment and continuing employment, licensing and continuing licensing, or when required for a contract with the Department.

- b) Contents of Authorization

The authorization required by this Section shall be on form(s) prescribed by the Department and shall include:

- 1) identifying information consisting of name, address, Social Security number, date of birth, height, weight, hair and eye color, previous names and addresses;
- 2) a certification under penalty of perjury regarding any prior criminal convictions other than a minor traffic violation, as defined by this Part, and of any pending criminal charges;
- 3) ~~a certification by the licensee-applicant under penalty of perjury that he or she is not more than 30 days delinquent in complying with a child support order--Failure to so certify may result in a denial of the license application, refusal to renew the license, or revocation of the license (5-18ES--109+19-65+)~~

- 3) ~~4)~~ authorization for the Department to release the results of the background check to the governing body or employer or, in the case of a group home or a child care facility operating in a family home, to the supervising agency for the child care facility.

- c) Employees Absent from Active Duty

For purposes of this Part only, employees who have been separated from any child care facility licensed by the Department of Children and Family Services for six months or longer (for reasons other than vacation, sabbatical leave, sick leave or maternity leave) shall no longer be considered current employees. Upon their return to active duty, such individuals shall be required to again authorize a background check pursuant to this Part.

- d) License Inactive for Six Months or Longer

Persons who have been previously licensed, but who have not held a valid license for six months or longer (for reasons other than pending administrative appeals), shall be required to again authorize a background check pursuant to this Part before another license may be issued.

- e) Multi-Function Agencies

Employee(s), conditional employees, and prospective employee(s) of a multi-function agency otherwise exempt from the requirements of this

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Part, who have contact with children as part of their present or prospective employment, shall authorize the background check required by this Part.

f) Conditional Employment

An individual who has authorized the background check required by this Part may be employed by a child care facility on a conditional basis pending the outcome of the required background check. The form authorizing such a background check shall be mailed or faxed to ~~received--by~~ the Department of Children and Family Services within two business days ~~ten-days~~ after such employment or the beginning of volunteer service. All facsimile transmissions shall be sent to the Employment Fax Line at (217) 785-6368. Conditional employees shall not be left alone with children until the results of the initial background check have been received.

(Source: Modified in response to Joint Committee On Administrative Rules objection at 20 Ill. Reg. 5712.)

Section 385.70 Disposition of Background Checks
EMERGENCY

a) Notification of Findings

The Department shall notify the governing body (as explained below) or operator of the child care facility, in writing, of the results of the background checks in accordance with this Section. When the subject of the background check is the director, administrator or other chief executive officer of the facility, the Department shall notify the presiding officer of the governing body of the results of the check, and the presiding officer shall take those actions required by this Part. In the case of a group home or a child care facility that operates in a family home, the Department shall notify the supervising agency for the facility of the results of the check.

b) Child Care Facility Decision Regarding Employment

The Department shall provide the governing body or operator of the facility with any information contained in the State Central Register and any record of criminal history or pending criminal charges. It shall be the responsibility of the governing body or operator of the facility to determine whether to hire or continue the employment of a conditional employee, to reassign the individual in question to a position that does not involve contact with children, provide the individual an opportunity for a review in accordance with the facility's personnel policies, and notify the Department of its employment decision within 30 days of receipt of the information from the Department.

c) Reinstatement of License or Return to Employment Involving Contact with Children

1) a Departmental investigation or court trial concludes with a

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF MODIFICATION TO EMERGENCY RULES IN RESPONSE TO AN OBJECTION OF
THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

finding that the person is not the perpetrator of child abuse or neglect or did not commit the crimes listed in the criminal history report; or

- 2) a finding indicating child abuse or neglect is expunged or removed as a result of an administrative or judicial review; or
- 3) a prior conviction of a crime is overturned upon appeal; or
- 4) pending charges or allegations have been dismissed; or
- 5) the Department has reviewed the incident of abuse or neglect or the criminal history and approved licensure in accordance with the requirements of this Part; or
- 6) the employer has reviewed the incident of abuse or neglect or the criminal history and approved employment or continuing employment which involves contact with children in accordance with the requirements of this Part. The decision of the employer is final, subject to review under the personnel policies of its governing body. Such hiring decisions may not be appealed to the Department of Children and Family Services.⁷ or

7) when the license applicant is denied a license because--he--or she--is more than 30 days delinquent in child support--proof--that the child support has--been--paid--in--full--or--that--a--payment schedule--has--been--arranged--with--the--Department--of--Public--Aid (title IV-B support cases)--or--the--court--of--jurisdiction--fail other child support cases--;

(Source: Modified in response to Joint Committee On Administrative Rules objection at 20 Ill. Reg. 5712.)

Section 385.80 Department Review of Decisions to Deny License
EMERGENCY

a) Availability of Review of Denial Decision

The Department shall conduct reviews, upon a written request, of its decision to deny licensure based upon the background checks conducted in accordance with the requirements of this Part unless the license applicant has the right to appeal the decision under 89 Ill. Adm. Code 338, Appeal of Foster Family Home License Denials by Relative Caregivers (for relative caregivers who applied for a foster family home) or 89 Ill. Adm. Code 383, Licensing Enforcement (for revocations, refusal to renew a license, and permit holders who are denied a license).

b) Decision Review Process

An individual requesting an opportunity for review pursuant to subsection (a) of this Section shall submit such request, in writing, to the Central Office of Licensing, Department of Children and Family Services, 406 E. Monroe St., Station #60, Springfield, IL 62701 within ten days after the date of written notice of the denial of an application for license. The individual shall be notified, in

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

writing, of the date, time and location of the review. The individual may be represented by counsel of his or her choice, and may present evidence and/or witness(es) on his or her own behalf. The individual shall be required to produce evidence that he or she is not the individual identified in the background report, ~~or if the issue is delinquency--in--the--payment-of-child-support--that--the-child-support has--been--paid--in--full--or--that--a--payment--schedule--has--been--arranged with--the--Department--of--Public-Aid--(title--IV--B--cases)--or--a--court--of jurisdiction--(all--other--child--support--cases).~~ Evidence to be considered shall be limited to:

- 1) When the review involves an indicated CANTS report, sworn statements from the administrator of the child protection division for the Department that the individual named in the report is not the individual in question; or
- 2) When the review involves a criminal history record, evidence shall be limited to sworn statements from the law enforcement agency or clerk of the court upon whom the Department has relied for the identification that the subject of the criminal history record provided to the Department is not the individual in question; ~~or~~
- 3) ~~When--the--review--involves--delinquent--child--support--sworn statements--from--the--Department--of--Public-Aid--or--the--clerk--of--the--court--as--applicable--that--child-support--has--been--paid--in--full--or--a--payment--schedule--arranged.~~

c) Final Administrative Decision

The person(s) conducting the review must conclude that, when all the evidence presented pursuant to this Part and the applicable licensing standards are considered, that there is clear and convincing evidence that the individual is not the person named in the indicated report/criminal history record or that the individual is suitable for service which involves contact with children despite the results of the background check. ~~If--the--review--is--addressing--the--issue--of delinquent-child-support--the--individual--must--submit--proof--that--he--or she--has--paid--the--delinquency--or--made--arrangements--for--payment--of delinquent-child-support.~~ A decision of the Department licensing authority is final, subject to review by a court of competent jurisdiction.

d) Record of Decision Review

A written record shall be made of any review(s) conducted pursuant to this Section, and such record shall contain copies of all documents relied upon in making the determination of fitness or unfitness for licensure.

(Source: Modified in response to ~~57012~~ Committee On Administrative Rules objection at 20 Ill. Reg. ~~5712~~.)

DEPARTMENT OF PUBLIC AID

NOTICE OF MODIFICATION TO MEET THE OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES1) Heading of the Part: Child Support Enforcement2) Code Citation: 89 Ill. Adm. Code 1603) Section Numbers:

160.10 Proposed Action:

160.60 Amendment

160.61 New Section

160.62 New Section

4) Date Notice of Proposed Amendments Published in the Illinois Register:
November 13, 1995 (19 Ill. Reg. 15347)5) Date JCAR Statement of Objections to Proposed Rulemaking Published in the Illinois Register: April 12, 1996 (20 Ill. Reg. ~~5747~~)6) Summary of Action Taken by the Agency:

At its meeting on March 26, 1996, the Joint Committee on Administrative Rules issued two objections concerning the Department's proposed amendments to "Child Support Enforcement" (89 Ill. Adm. Code 160). The amendments were proposed on November 13, 1995, and appeared in the Illinois Register at 19 Ill. Reg. 15347.

The Joint Committee first objects to the adoption of Sections 160.61(c) and 160.62 because the necessary federal waivers have not been received. Secondly, the Joint Committee objects to the rulemaking because it fails to include a requirement that the Department will inform clients of six specific items.

1. In response to the first objection, the Department recognizes that implementation of provisions in Section 12-4.31 of the Illinois Public Aid Code (as enacted in Public Act 89-6, effective March 6, 1995) [305 ILCS 5/12-4.31] is conditioned upon the receipt of any federal waivers "necessary to implement this Section."

The Department agrees not to implement the provisions of this proposed rulemaking which require such waivers until the waivers are received. On that basis, the Department has modified the proposed rulemaking by deleting the following proposed provisions: Section 160.61(c)(3), (9), (11), (12), and (13) and all of Section 160.62. These provisions address the implementation of a six-month time period in which paternity must be established or sanctions are imposed. A federal waiver is required for implementation of these provisions.

The remaining portions of Section 160.61(c) are necessary to implement statutory provisions in Section 10-17.7 of the Illinois Public Aid

DEPARTMENT OF PUBLIC AID

NOTICE OF MODIFICATION TO MEET THE OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

Code (as enacted in Public Act 88-687, effective January 24, 1995, and amended by Public Act 89-6, effective March 6, 1995) [305 ICS 5/10-17.7]. These provisions concern the use of administrative hearings and public notices in the establishment of paternity. Federal waivers are not required for the implementation of these provisions.

2. The second objection addresses the Department's failure to include a requirement that clients will be informed of six specific items. The Department believes that these items are adequately addressed in the proposed rulemaking and in other current rules. The Department believes that the rules are adequate, but will reconsider this issue when additional changes in these rules are proposed.

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

- 1) Heading of the Part: Assigned Risk Procedures
- 2) Code Citation: 50 Ill. Adm. Code 4801
- 3) Date of Index Department Review: APR 2 1996
- 4) Heading and Section Numbers of the Part being Recodified:

Section Numbers:

4801.10 Statutory Authority

4801.20 Purpose and Scope

4801.30 Written Acceptance of All Provisions of Ill. Rev. Stat. 1981, ch. 73, pars. 1081-1091, Required of All Insurance Carriers Writing Workers' Compensation and Occupational Diseases Insurance in Illinois

4801.40 Definitions

4801.50 Designee

4801.60 Procedure for the Assignment of an Employer

4801.70 Procedure for Immediate Binding of Coverage

4801.80 Premium Notice to be Filed with the Bureau

4801.90 Commissions

4801.100 Installment Payment of Premium

4801.110 Insurance Policy to be Issued by Assigned Carrier Within Ten Days of Receipt of Payment

4801.120 Final Earned Premium

4801.130 Renewal of Policies Issued Under this Part

4801.140 Policy Termination - General

4801.150 Policy Termination for Failure to Comply With Employee Welfare Laws

4801.160 Policy Termination - Hearing

4801.170 Policies of Insurance and Termination Notice to be Imprinted "Assigned Risk"

4801.180 Annual Reports Required of Mutual and Stock Insurance Pools

4801.190 Rating Standards

4801.200 Location of Servicing Office and Records

4801.210 Cost Containment

4801.220 Procedure to be Followed in the Suspension of Insurance Carriers for Non-Compliance with this Part

4801.230 Penalties

4801.240 Severability

- 5) Outline of the Section Numbers and Headings of the Part as Recodified:

Section Numbers: Headings:

2904.10 Statutory Authority

DEPARTMENT OF INSURANCE

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

NOTICE OF RECODIFICATION

2904.20 Purpose and Scope
 2904.30 Written Acceptance of All Provisions of Ill. Rev. Stat. 1981, ch. 73, pars. 1081-1091, Required of All Insurance Carriers Writing Workers' Compensation and Occupational Diseases Insurance in Illinois

2904.40 Definitions
 2904.50 Designee
 2904.60 Procedure for the Assignment of an Employer
 2904.70 Procedure for Immediate Binding of Coverage
 2904.80 Premium Notice to be Filed with the Bureau
 2904.90 Commissions
 2904.100 Installment Payment of Premium
 2904.110 Insurance Policy to be Issued by Assigned Carrier Within ten Days of Receipt of Payment

2904.120 Final Earned Premium
 2904.130 Renewal of Policies Issued Under this Part
 2904.140 Policy Termination - General
 2904.150 Policy Termination for Failure to Comply With Employee Welfare Laws

2904.160 Policy Termination - Hearing
 2904.170 Policies of Insurance and Termination Notice to be Imprinted "Assigned Risk"

2904.180 Annual Reports Required of Mutual and Stock Insurance Pools
 2904.190 Rating Standards
 2904.200 Location of Servicing Office and Records
 2904.210 Cost Containment
 2904.220 Procedure to be Followed in the Suspension of Insurance Carriers for Non-Compliance with this Part

2904.230 Penalties
 2904.240 Severability

7) Agency Explanation: The Department is renumbering Part 4801 to Part 2904. Substantively, no changes are being made, the Department is simply moving this regulation to correspond to the statutory provisions which this rule implements. This Part implements Sections 454 and 468 of the Illinois Insurance Code; therefore, it belongs in Subchapter hh of the Illinois Administrative Code.

6) Conversion Table of Present and Recodified Parts:

Present Part: (Section Numbers)	Recodified Part: (Section Numbers)
4801.10	2904.10
4801.20	2904.20
4801.30	2904.30
4801.40	2904.40
4801.50	2904.50
4801.60	2904.60
4801.70	2904.70
4801.80	2904.80
4801.90	2904.90
4801.100	2904.100

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

- 1) Heading of the Part: Life Insurance Solicitation
- 2) Code Citation: 50 Ill. Adm. Code 930
- 3) Date of Index Department Review: April 2, 1996
- 4) Heading and Section Numbers of the Part being Recodified:
The Section and Headings numbers of this Part are not changing. Only the Subchapter heading is being changed at this time.
- 5) Outline of the Section Numbers and Headings of the Part as Recodified:
The Section and Headings numbers of this Part are staying the same. Only the Subchapter heading for this Part is being changed at this time.
- 6) Conversion Table of Present and Recodified Parts:

<u>Present Part:</u>	<u>Recodified Part:</u>
50 Ill. Adm. Code 930	50 Ill. Adm. Code 930
Chapter I	Chapter I
Subchapter ii	Subchapter I
- 7) Agency Explanation:
The Department is moving Part 930 from Subchapter ii to Subchapter I. Substantively, no changes are being made. The Department is simply moving this regulation to correspond to the statutory provisions which this regulation implements. This Part implements Section 401 of the Illinois Insurance Code; therefore, it belongs in Subchapter I of the Illinois Administrative Code entitled "Provisions Applicable to All Companies".

OFFICE OF THE COMPTROLLER

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) Heading of the Part: Illinois Funeral or Burial Funds Act
- 2) Code Citation: 38 Ill. Adm. Code 610
- 3) Register Citation to Notice of Proposed Rules: 20 Ill. Reg. 3655 (March 1, 1996)
- 4) Date, Time, & Location of Public Hearing:
Friday, April 19, 1996
10:00 A.M.
Office of the Comptroller
Training & Technology Institute
325 West Adams
Springfield, Illinois 62704
- 5) Other Pertinent Information: The hearing will be held for the sole purpose of gathering public comment on the proposed Rules. Persons interested in presenting testimony at this hearing are advised that the Illinois Office of the Comptroller will adhere to the following procedures in the conduct of the hearing:
 1. No oral testimony shall exceed an aggregate of twenty (20) minutes.
 2. Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
 3. No person will be recognized to speak for a second time until all persons wishing to testify have done so.
 4. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the hearing officer may impose such other rules of procedure, including the order of call of witnesses, as he deems necessary.
- 6) Name and Address of Agency Contact Person: Questions regarding these proposed Rules or the public hearing shall be directed to:

Keith J. Flanagan
Assistant Legal Counsel
Office of the Comptroller
201 State House
Springfield, IL 62706
(217) 782-4858

ILLINOIS COMMERCE COMMISSION

REQUEST FOR EXPEDITED CORRECTION

- 1) Heading of the Part: Waiver of Filing and Approval of Certain Sales, Leases and Mortgages
- 2) Code Citation: 83 Ill. Adm. Code 105
- 3) Section Numbers: 105.10
- 4) Date Proposal published in Illinois Register: December 16, 1994, 18 Ill. Reg. 17801
- 5) Date Adoption published in Illinois Register: December 22, 1995, 19 Ill. Reg. 16821
- 6) Summary and Purpose of Expedited Correction: To correct a typographical error in the adopted amendment to Section 105.10.
- 7) Information and questions regarding this request shall be directed to:

Name: Conrad Rubinkowski
 Address: Office of General Counsel
 Illinois Commerce Commission
 527 East Capitol Avenue
 P.O. Box 19280
 Springfield, IL 62794-9280
 Telephone: (217)785-3922

ILLINOIS COMMERCE COMMISSION

REQUEST FOR EXPEDITED CORRECTION

TITLE 83: PUBLIC UTILITIES
 CHAPTER I: ILLINOIS COMMERCE COMMISSION
 SUBCHAPTER a: ADMINISTRATIVE REGULATIONS

PART 105

WAIVER OF FILING AND APPROVAL OF CERTAIN
 SALES, LEASES AND MORTGAGES

Section	
105.10	Routine Bank Transactions
105.20	Donations, Contributions and Memberships
105.30	Investments
105.40	Sales and Leases and Other Transactions which need not be filed or approved
105.50	Application to All Utilities

AUTHORITY: Implementing Section 7-102 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/7-102 and 10-101].

SOURCE: Filed and effective December 20, 1955; codified at 8 Ill. Reg. 8894; amended at 19 Ill. Reg. 16821, effective January 1, 1996; expedited correction at 20 Ill. Reg. _____, effective January 1, 1996.

Section 105.10 Routine Bank Transactions

The opening of bank accounts, deposit of monies in such accounts, the withdrawal of monies from such accounts by checks, drafts, bills of exchange or otherwise, the making of time deposits with banks, the purchase from banks, at not to exceed prevailing market prices, of obligations of the United States maturing not more than five years thereafter, the sale to banks of such obligations of the United States at not less than prevailing market prices, and the making use of routine custodial and handling services of banks with respect to securities at not to exceed standard charges, all in the ordinary course of business, are not considered to be contracts or arrangements within the purview of the provisions of Section 7-102(g) and (h) of the Illinois Public Utilities Act ("Act") [220 ILCS 5/7-102(g) and (h)].

(Source: Amended at 19 Ill. Reg. 16821, effective January 1, 1996;
 Expedited Correction at 20 Ill. Reg. _____, effective January 1, 1996)

DEPARTMENT OF HUMAN RIGHTS

REQUEST FOR EXPEDITED CORRECTION

- 1) Heading of the Part: Access to Information
- 2) Code Citation: 2 Ill. Adm. Code 926
- 3) Section Numbers:
926.210
- 4) Date Proposal published in Illinois Register: N/A
- 5) Date Adoption published in Illinois Register: January 14, 1994, 18 Ill. Reg. 512
- 6) Summary and Purpose of Expedited Correction: At the time this Section was adopted and was published in the *Illinois Register* a typographical error was inadvertently overlooked.
- 7) Information and questions regarding this request shall be directed to:

Name: David T. Rothal
Staff Attorney
Address: Illinois Department of Human Rights
100 West Randolph, Suite 10-100
Chicago, Illinois 60601
Telephone: (312) 814-6242
TDD: (312) 263-1579

DEPARTMENT OF HUMAN RIGHTS

REQUEST FOR EXPEDITED CORRECTION

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE D: CODE DEPARTMENTS
CHAPTER X: DEPARTMENT OF HUMAN RIGHTS

PART 926

ACCESS TO INFORMATION

SUBPART A: GENERAL PROVISIONS

Section	
926.10	Summary and Purpose (Repealed)
926.20	Definitions (Renumbered)
926.110	Publications (Repealed)
926.120	Speakers Bureau (Repealed)
926.130	Requests and Inquiries (Repealed)
926.200	Definitions
926.210	Investigation Records
926.220	Conciliation Records (Repealed)
926.230	Public Contracts Records
926.231	Other Record Systems
926.235	Access by Government Agencies
926.236	Copies
SUBPART B: FOIA	
926.240	Other Record Systems (Renumbered)
926.235	Requests for Access to Records
926.260	Response to Request
926.270	Appeal of Denial of Access
926.280	Copies (Renumbered)
926.290	Access by Governmental Agencies (Renumbered)

AUTHORITY: Implementing Section 5-15 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1005-15) [5 ILCS 100/5-15] and The Freedom of Information Act (Ill. Rev. Stat. 1991, ch. 116, pars. 201 et seq.) [5 ILCS 140/1 et seq.], and authorized by Section 7-101(A) of the Illinois Human Rights Act (Ill. Rev. Stat. 1991, ch. 68, par. 7-101(A)) [775 ILCS 5/7-101(A)].

SOURCE: Access to Records rules adopted November 17, 1975, by the Fair Employment Practices Commission; transferred to the Department of Human Rights by P.A. 81-1216, effective July 1, 1980; emergency amendments at 4 Ill. Reg. 39, p. 335, effective September 17, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 1627, effective February 9, 1981; amended at 7 Ill. Reg. 7940, effective July 1, 1983; repealed by operation of law October 1, 1984; new rules adopted at 8 Ill. Reg. 20678, effective October 10, 1984; amended at 18 Ill. Reg. 512, effective January 4, 1994; expedited correction at 20 Ill. Reg. _____, effective January 4, 1994.

DEPARTMENT OF HUMAN RIGHTS

REQUEST FOR EXPEDITED CORRECTION

SUBPART C: ACCESS TO RECORDS

Section 926.210 Investigation Records and Files

The contents of any files maintained by the Department pertaining to charges, including but not limited to all documents, statements, notes, memoranda, correspondence, exhibits and any reports or summaries prepared by or on the behalf of the Department, as well as the identities of any parties or witnesses in such matters, shall be confidential and not subject to public disclosure, except that:

- a) the parties to any charge may inspect any such file upon making arrangements with the Department, at any time subsequent to the Department's written notification of Substantial Evidence, or Dismissal or administrative closure of the charge; or after filing a complaint, a petition for entry of a default order, or a settlement agreement with the Human Rights Commission. However, the Department shall not allow parties to inspect ~~inspect~~ certain materials which include, but are not limited to:
 - 1) internal memoranda;
 - 2) work papers, or notes or other materials reflecting the deliberative processes, mental impressions, or legal theories and advice of the Department;
- 3) material generated in preparation for judicial or Commission proceedings except as authorized under applicable discover regulations; or
- 4) any documents maintained by the Department pertaining to conciliation or other settlement effort conducted upon any charge, including but not limited to any reports furnished to or prepared by the Department in connection with such conciliation efforts, unless all parties and the Department agree in writing to disclosure and to the persons to whom they may be disclosed;
- b) upon request, the Department may acknowledge publicly the existence of a charge, including the names of the parties and the stage of proceedings at which it is pending;
- c) after the filing of a complaint with the Commission or the institution of judicial proceedings involving a charge, the Director may release information pertaining to the charge if:
 - 1) such information is requested of the Department, or
 - 2) the Director finds such information newsworthy, useful in education or training materials, relevant to an issue before the General Assembly, or similarly appropriate for disclosure;
- d) if the Director determines that the disclosure of such information is in the public interest, at any stage of proceedings, the Director may authorize release;
- e) the Director may authorize the release of information in a file to litigants for use in litigation;
- f) notwithstanding any other provision of this Section, the Director may assert a privilege with respect to any item available for inspection

DEPARTMENT OF HUMAN RIGHTS

REQUEST FOR EXPEDITED CORRECTION

by a party hereunder if disclosure might jeopardize or prejudice pending proceedings or reveal the identity of a confidential informant, or if such item otherwise qualifies for a privilege against disclosure under applicable law.

(Source: Amended at 18 Ill. Reg. 512, effective January 4, 1994; expedited correction 20 Ill. Reg. _____, effective January 4, 1994)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO
EMERGENCY RULEMAKING

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Heading of the Part: Background ChecksCode Citation: 89 Ill Adm Code 385Date Originally Published in the Illinois Register: 3/1/96
20 Ill Reg 3930

At its meeting on March 26, 1996, the Joint Committee on Administrative Rules objected to the emergency rules of the Department of Children and Family Services for the following reasons:

1. Contrary to the requirements of 5-45 of the Illinois Administrative Procedure Act (IAPA), no emergency exists that requires the inclusion within this rule of a provision requiring certification by the license applicant that he or she is not more than 30 days delinquent in complying with a child support order. That requirement was mandated by HB 2486/PA 87-412 (Currie/Cullerton, effective 1/1/92), fully 4 years before this emergency rule was adopted. Four years is enough time to use general rulemaking.
2. The rules do not clearly reflect what has evolved as the Department's actual policy. The Notice for the emergency rules specifies that they apply to child care facility licensure applicants and other persons subject to background checks. The public has not known how to interpret the other persons language. If DCFS means to limit the fingerprint requirement to new license applicants and new hires, because to cover the over 175,000 current licensees at the same time would overload the Livescan vendors, DCFS needs to amend the rule in response to this Objection to specifically delineate the persons who they currently want to submit to background checks.
3. The emergency rules also require that conditional employees (i.e., new hires, temporary replacements, volunteers, assistants and work study students who have been fingerprinted but for whom the criminal background check results have not been received) not be left alone with children. Because of public claims that this requirement is "too onerous", DCFS has implemented a policy that allows these persons to be left alone with children when they have been checked through the Child Abuse and Neglect Tracking System (CANTS) and have submitted fingerprints for the criminal history check. This policy should be established in rules.
4. The rules specify that background checks may be required for purchase of service providers (i.e., contractors who perform DCFS staff

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

responsibilities) who have contact with children as part of their duties. However, the rule includes no standards by which DCFS will determine for whom background checks are required.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal.

ILLINOIS REGISTER
JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY
STATEMENT OF RECOMMENDATION
TO EMERGENCY RULEMAKING
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Heading of the Part: Background Checks

Code Citation: 89 Ill Adm Code 385

Date Originally Published in the Illinois Register: 3/1/96
20 Ill Reg 3930

At its meeting on March 26, 1996, the Joint Committee on Administrative Rules considered the above cited emergency rulemaking and recommends that DCFS seek specific statutory authority to require background checks on purchase of service providers who have contact with children as part of their duties and to include Drug Offenses as a bar to licensure or employment in a child care facility. The emergency rules include both of these issues, but no statutory authority exists for either.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY
STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING
DEPARTMENT OF CORRECTIONS

Heading of the Part: Public Relations

Code Citation: 20 Ill Adm Code 103

Section Numbers: 103.10 103.15 103.20 103.30
103.40 103.50 103.60

Date Originally Published in the Illinois Register: 11/17/95
19 Ill Reg 15567

At its meeting on March 23, 1996, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommends that, before its adoption, the Department of Corrections meet with public commentators, including but not limited to the Chicago Headline Club, The Illinois Press Association and the National Society of Professional Journalists, in an attempt to negotiate amendments to its rulemaking entitled Public Relations (20 Ill Adm Code 103; 19 Ill Reg 15567) to provide that face-to-face media interviews with committed persons under a sentence of death be granted on a case-by-case basis under acceptable standards by which discretion may be exercised, rather than categorically prohibiting such interviews, which would severely and arbitrarily inhibit the free flow of information to the public.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

DEPARTMENT OF PUBLIC AID

Heading of the Part: Child Support EnforcementCode Citation: 89 Ill Adm Code 160Section Numbers: 160.61 160.62Date Originally Published in the Illinois Register: 11/13/95
19 Ill Reg 15347

At its meeting on March 26, 1996, the Joint Committee on Administrative Rules objected to Section 160.61(c) and Section 160.62 of the above cited rulemaking because PA 89-6 clearly states that this Demonstration Program is conditioned upon receipt of federal waivers, those waivers have not been received, and these rules would take effect upon adoption.

In addition, the Joint Committee on Administrative Rules objected to the rulemaking because it fails to require that DPA inform clients of: good cause exemptions from the requirement that they comply with the Continued Eligibility Demonstration Program; options to cooperation with paternity establishment; legal implications of the administrative determination of paternity beyond public assistance eligibility; the opportunity to modify administrative support orders if circumstances change; the possibility of rescheduling interviews; the fact that a person signing a voluntary affidavit of paternity waives recourse through the courts on the issue of paternity; and the extent to which DPA is authorized to represent the client's interests.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed to be a refusal to respond under the Administrative Procedure Act and shall constitute withdrawal of this proposed rulemaking.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO
EMERGENCY RULEMAKING

DEPARTMENT OF PUBLIC AID

Heading of the Part: General AssistanceCode Citation: 89 Ill Adm Code 114Date Originally Published in the Illinois Register: 3/15/96
20 Ill Reg 4445

At its meeting on March 26, 1996, the Joint Committee on Administrative Rules objected to the emergency rules of the Department of Public Aid because, while PA 89-21 specifically authorizes the Department to reduce payment levels to Transitional Assistance recipients within a fiscal year to avoid exceeding the appropriated funds for this program, it does not authorize the Department to increase those payment levels. If excess funds are available within this appropriation, the General Assembly, utilizing its broad knowledge of the financial needs being addressed throughout State government, will determine how those funds are to be reallocated.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of March 26, 1996 through April 1, 1996 and have been scheduled for review by the Committee at its April 23, 1996 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
5/9/96	Department of Nuclear Safety, Registration of Radioactive Material, Radiation Machines, and Radiation Installations (32 Ill Adm Code 320)	2/9/96 20 Ill Reg 2326	4/23/96
5/10/96	Department of Commerce and Community Affairs, State Administration of the Federal Community Development Block Grant Program for Small Cities (47 Ill Adm Code 110)	1/19/96 20 Ill Reg 947	4/23/96
5/10/96	Pollution Control Board, Water Quality Standards (35 Ill Adm Code 302)	1/26/96 20 Ill Reg 1445	4/23/96
5/11/96	Office of the State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill Adm Code 120)	8/25/95 19 Ill Reg 12159	4/23/96
5/11/96	Department of Children and Family Services, Services Delivered by the Department (89 Ill Adm Code 302)	12/15/95 19 Ill Reg 16338	4/23/96
5/12/96	Department of Public Aid, Medical Payment (89 Ill Adm Code 140)	1/26/96 20 Ill Reg 1466	4/23/96
5/12/96	Department of Insurance, Required Procedure for Filing and Securing Approval of Life Insurance, Annuity and Accident and Health Insurance, Voluntary Health Services Plans, Vision Service Plans, Dental Service Plans,	12/1/95 19 Ill Reg 15881	4/23/96

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

Pharmaceutical Service Plans, Limited Health Service Organizations and Health Maintenance Organizations Policy Forms (50 Ill Adm Code 916)

5/15/96	Department of Natural Resources, White-Tailed Deer Hunting by Use of Bow and Arrow (17 Ill Adm Code 670)	2/9/96 20 Ill Reg 2278	4/23/96
5/15/96	Department of Natural Resources, White-Tailed Deer Hunting by Use of Muzzleloading Rifles (17 Ill Adm Code 660)	2/9/96 20 Ill Reg 2303	4/23/96
5/15/96	Department of Natural Resources, White-Tailed Deer Hunting by Use of Firearms (17 Ill Adm Code 650)	2/9/96 20 Ill Reg 2287	4/23/96

PROCLAMATION

96-102

AREA 3 CENTRAL REGION P.A.C.E. WEEKEND

Whereas, Exploring is a division of the Boy Scouts of America; and
 Whereas, this year marks the 25th anniversary of the Presidents Area Conference on Exploring (P.A.C.E.) in area 3 central region; and
 Whereas, this year's conference will be held March 9-10, 1996, at the Oak Brook Hyatt in Oak Brook, Illinois;
 Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 9-10, 1996, as AREA 3 CENTRAL REGION P.A.C.E. WEEKEND in Illinois.
 Issued by the Governor March 7, 1996.
 Filed by the Secretary of State March 22, 1996.

96-103

LOU HENSON DAY

Whereas, Lou Henson, a native of Okay, Oklahoma, is a devoted family man who resides in Champaign, Illinois, with his wife Mary; and
 Whereas, he and his wife are the proud parents of Lisa, Lori, Leigh and the late Lou Jr., and the proud grandparents of Lacey, Lindsey, Catie, Danny, Haley, Evan, Kristy and Will; and
 Whereas, in addition, Lou Henson is one of the most successful and respected college basketball coaches in the nation and the 1993 Big Ten Coach of the Year; and
 Whereas, he coached at New Mexico State from 1966 through 1975, highlighted by a Final Four appearance in 1970; and
 Whereas, he began coaching at the University of Illinois during the 1975-76 season, and in 1989, he led his team to its most successful basketball season ever, when the Illini had a record 31 wins and an NCAA Final Four appearance; and

Whereas, Lou Henson is one of only ten coaches to have taken teams from two different schools to the Final Four; and
 Whereas, Lou Henson has won more than 600 games, more than 400 games at Illinois, and was the fourth coach in Big Ten history to record 200 conference wins; and
 Whereas, after coaching college basketball for 34 seasons, setting many records and gaining the admiration and respect of coaches and fans across the country, Lou Henson will retire as head coach at the University of Illinois; and

Whereas, on March 9, 1996, former players, colleagues, friends and fans are honoring Lou Henson's coaching career;
 Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 9, 1996, as LOU HENSON DAY in Illinois in honor of his retirement and in appreciation of his invaluable contributions to the basketball program at the University of Illinois.

Issued by the Governor March 7, 1996.

Filed by the Secretary of State March 22, 1996.

96-104

TIBETAN DAY

Whereas, Illinois has been chosen as a primary site for the U.S. Tibetan Resettlement Project. The project will help Tibetans resettle to Illinois and preserve Tibet's historical and cultural heritage; and
 Whereas, on March 10, 1996, Tibetans throughout the world will gather to commemorate the 37th anniversary of the struggle for freedom and independence of their country; and

Whereas, in 1989, his Holiness the fourteenth Dally Lama, leader of the Tibetan people, was awarded the Nobel Peace Prize for his continued efforts toward a peaceful resolution to the occupation of Tibet; and

Whereas, the resolve of the Tibetan people to preserve their culture and human rights is an inspiration to all who cherish liberty;

Therefore, I, Jim Edgar, Governor of the State of Illinois, hereby proclaim March 10, 1996, as TIBETAN DAY in Illinois.

Issued by the Governor March 7, 1996.

Filed by the Secretary of State March 22, 1996.

96-105

PROFESSIONAL SOCIAL WORKERS MONTH

Whereas, professional social workers work on the front lines of human service delivery to help families and individuals develop skills to lead productive and satisfying lives; and

Whereas, professional social workers see first-hand the challenges families and individuals face to meet their responsibilities; and

Whereas, professional social workers recognize that any violent environment, whether it contains physical violence, emotional or psychological abuse, or sanctioned discrimination weakens the basic right of every individual to live with dignity; and

Whereas, professional social workers know that pervasive violence, whether perpetrated by individuals or fostered by institutions, causes physical, emotional, or psychological suffering and impedes individual growth and development; and

Whereas, the social work profession works concurrently to help victims of violence and eradicate the causes of violence through community, institutional, and public policy initiatives; and

Whereas, the social work profession is advancing the nation that we live in a new "global village" in which local problems with violence are often linked with a lack of development opportunities overseas and are part of a larger picture;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 1996 as PROFESSIONAL SOCIAL WORKERS MONTH in Illinois and call upon members of the community to join with the social work profession in support of appropriate programs, ceremonies, and activities designed to achieve its goals.

Issued by the Governor March 11, 1996

Filed by the Secretary of State March 28, 1996.

96-106

LICENSED PRACTICAL NURSE WEEK

Whereas, the maintenance of good health care is of primary concern to everyone; and

Whereas, the role of the licensed practical nurse in caring for people's

health needs has advanced in responsibility and complexity; and

Whereas, the Licensed Practical Nurse Association of Illinois encourages the continuance of education to ensure competency among its members; and

Whereas, the Licensed Practical Nurse Association of Illinois is holding its annual convention April 28-May 2 in Springfield at the Holiday Inn East. This year's theme is "LPN's the Needed Link in the Health Care Team";

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 28-May 2, 1996, as *LICENSED PRACTICAL NURSE WEEK* in Illinois in recognition of these dedicated men and women.

Issued by the Governor March 12, 1996.

Filed by the Secretary of State March 28, 1996.

96-107

WSEP DAY

Whereas, the Women's Self-Employment Project (WSEP) is a group of committed people dedicated to enabling low and moderate income women become economically self-supporting by starting and maintaining their own business; and

Whereas, WSEP's growth over the past 10 years serves as testimony to WSEP's viability and success; and

Whereas, since 1986, WSEP has increased from 86 customers to more than 4,000; and

Whereas, WSEP places emphasis on issues of women's self-employment and women's business development, welfare reform and other policy issues related to women's ability to contribute to the state's economic well-being; and

Whereas, WSEP should be acknowledged for its efforts;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 14, 1996, as *WSEP DAY* in Illinois.

Issued by the Governor March 12, 1996.

Filed by the Secretary of State March 28, 1996.

96-108

FEDERAL EMPLOYEE OF THE YEAR DAY

Whereas, in the honorable name of service, dedicated federal employees have made great contributions to Illinois citizens in areas such as Social Security, health care, education, crime prevention, energy conservation, and other essential resources; and

Whereas, each year, a special day is set aside to recognize the outstanding services dedicated federal employees provide; and

Whereas, for the past 38 years, the Chicago Federal Employee of the Year Awards Program has honored outstanding employees for their loyalty and effort; and

Whereas, on May 9, awards will be given to the outstanding employees in each of 11 categories representing all types of jobs within the federal workforce;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 9, 1996, as *FEDERAL EMPLOYEE OF THE YEAR DAY* in Chicago in recognition of the vital services federal employees provide to our citizens and our state.

Issued by the Governor March 14, 1996.

Filed by the Secretary of State March 28, 1996.

96-109

CHICAGO LATINO FILM FESTIVAL DAYS

Whereas, the 12th Annual Chicago Latino Film Festival will be held April 12-22; and

Whereas, the Festival is an 11-day celebration of Latino culture in Chicago, featuring the best in cinema from South and Latin America, the United States, Portugal and Spain; and

Whereas, the 1996 Festival will have a special celebration, honoring three generations of Argentinian filmmaking through the films of Leopoldo Torre Nilsson's family; and

Whereas, an array of comedies, drama, documentaries, animation, musicals, and experimental programs will be screened; and

Whereas, quality Latino films can help increase cultural appreciation and contribute to a better understanding of Chicago's more than one million Hispanic residents;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 12-22, 1996, as *CHICAGO LATINO FILM FESTIVAL DAYS* in Illinois.

Issued by the Governor March 15, 1996.

Filed by the Secretary of State March 28, 1996.

96-110

EARLY INTERVENTION MONTH/LOOK WHAT I CAN DO WEEK

Whereas, early intervention services exist for children up to 3 years of age who may have been or are currently at risk of disabilities, developmental delays or at-risk conditions; and

Whereas, there is a statewide, family-centered early intervention services system in place established with the assistance of the Illinois Interagency Council on Early Intervention to help eligible children who are in need of early intervention services; and

Whereas, Look What I Can Do is a public awareness campaign designed to educate families, policymakers, health care and child care professionals about the importance of reaching children early with the services essential to their growth and development; and

Whereas, this is a proactive campaign emphasizing the importance of early intervention for all children at risk and is a coordinated effort at both the state and local levels to create a unified message; and

Whereas, Chicago-based Media Strategy, Inc. is launching an in-depth campaign on behalf of the Illinois State Board of Education to make the awareness campaign a success; and

Whereas, this campaign should be commended and embraced for its potential success;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1996 as *EARLY INTERVENTION MONTH* and April 8-14, 1996, as *LOOK WHAT I CAN DO WEEK* in Illinois.

Issued by the Governor March 15, 1996.

Filed by the Secretary of State March 28, 1996.

96-111

ELAINE V. MONS MONTH

Whereas, Elaine V. Mons was born and raised on Chicago's south side during the "Great Depression;" and

Whereas, she took evening courses at Prairie State College and studied accounting, business law and business management; and

Whereas, she married Paul A. Mons on August 23, 1985; and

Whereas, she worked for Encyclopedia Britannica for 20 years and retired in December of 1993; and

Whereas, because she is an involved and concerned citizen, she serves on the Advisory Council at the Quincy Veterans Home, she is active in her own unit, #252 So. Chicago Heights, and she accompanies her husband on volunteer excursions; and

Whereas, on August 12, 1995, Elaine V. Mons was elected as the National President of the Ladies' Auxiliary of the Military Order of the Purple Heart;

Therefore, I, Jim Edgar, Governor of the State of Illinois, declare March 1996 as **ELEINE V. MONS MONTH** in Illinois in honor of her accomplishments and her contributions to her community and to veterans of this state.

Issued by the Governor March 15, 1996.

Filed by the Secretary of State March 28, 1996.

96-112

LONG-TERM CARE ADMINISTRATORS WEEK

Whereas, Long-Term Care Administrators care for our loved ones and strive to provide their residents the opportunity to experience the highest quality of life; and

Whereas, Long-Term Care Administrators work long hours maintaining the quality of care given in their facilities and continuously striving to improve their facilities; and

Whereas, Long-Term Care Administrators are bound by numerous regulations and budgetary constraints, yet they succeed in performing their duties while motivating their staff;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 17-23, 1996, as **LONG-TERM CARE ADMINISTRATORS WEEK** in Illinois in recognition of their continued hard work and dedication to the citizens of this state.

Issued by the Governor March 15, 1996.

Filed by the Secretary of State March 28, 1996.

96-113

OCCUPATIONAL THERAPY MONTH

Whereas, in a changing health care environment, occupational therapists and occupational therapy assistants are trained and experienced to provide high quality services that are cost effective and accessible; and

Whereas, occupational therapy personnel apply their professional training and expertise to aid individuals with disabilities in rising above their limitations to live productive, and often, exemplary lives; and

Whereas, occupational therapists and occupational therapy assistants respect each individual's cultural and personal values and recognize these diverse needs and preferences in working toward a mutual concept of health; and

Whereas, occupational therapy professionals are valued members of the health-care community in the State of Illinois; and

Whereas, the American Occupational Therapy Association has set aside the month of April to communicate all the important contributions members of the occupational therapy profession make to the health, productivity, and personal satisfaction of our citizens;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1996 as **OCCUPATIONAL THERAPY MONTH** in Illinois and call upon all citizens to recognize the achievements and contributions of these valued health professionals.

Issued by the Governor March 15, 1996.

Filed by the Secretary of State March 28, 1996.

96-114

WALKAMERICA WEEKEND

Whereas, the March of Dimes is entering its 58th year as a charitable organization, developing and implementing strategies to promote a healthy start in life for America's babies by preventing birth defects and infant mortality; and

Whereas, the organization was founded by President Franklin D. Roosevelt to address a national health crisis--polio--and later the March of Dimes focused its attention to improving the health of babies by working to prevent birth defects beyond polio; and

Whereas, the March of Dimes Birth Defects Foundation is a unique partnership of volunteers and professionals dedicated to supporting research and providing services to help all parents have healthy babies; and

Whereas, the March of Dimes continually searches for new avenues to strengthen its crusade; and

Whereas, this year marks the 11th year that the March of Dimes will host the Springfield WalkAmerica, which raises funds for these causes;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 27-28, 1996, as **ALKAMERICA WEEKEND** in Illinois and urge the citizens of Illinois to walk to help the March of Dimes in their Campaign for Healthier Babies.

Issued by the Governor March 20, 1996.

Filed by the Secretary of State March 28, 1996.

96-115

D.A.R.E. DAY

Whereas, D.A.R.E. (Drug Abuse Resistance Education) is the largest drug abuse prevention education program in the United States and has now been taught to more than 30 million children in kindergarten through the 12th grade; and

Whereas, D.A.R.E. is a cooperative effort among law enforcement officials, the educational system, and the community, which provides students accurate information about alcohol and drugs, enhances student's decision-making skills, informs them of the consequences of their behavior, and builds students' self-esteem while encouraging them to resist peer pressure; and

Whereas, D.A.R.E. provides parents important information and detailed guidance to further their children's development and to reinforce their decisions to lead drug-free lives; and

Whereas, the D.A.R.E. core curriculum now emphasizes the importance of

resolving conflicts without the use of violence and provides young people with a better understanding of the consequences they face when joining gangs and participating in acts of violence; and

Whereas, D.A.R.E. is now taught in Illinois by more than 700 experienced and accomplished D.A.R.E. officers in more than 2,400 classrooms, reaching some 150,000 fifth and sixth grade students annually; and

Whereas, D.A.R.E. is celebrating its 13th anniversary this year; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 11, 1996, as D.A.R.E. DAY in Illinois in recognition of the significant role this program plays in the well-being of our future generations.

Issued by the Governor March 25, 1996.

Filed by the Secretary of State March 28, 1996.

96-116

GLORY TO GLORY DAY

Whereas, Glory to Glory Family Christian Center was established in May 1992; and

Whereas, Glory to Glory holds a weekly Sunday worship and a mid-week bible study and prayer service, in addition to family biblical counseling and other important efforts to nurture its community; and

Whereas, it held its first service in a warehouse on 11th Street and soon after raised enough money to purchase a church on Wentworth; and

Whereas, Glory to Glory plays an integral role in its community and should be commended for its hard work and efforts;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 28, 1996, as *GLORY TO GLORY DAY* in Illinois.

Issued by the Governor March 25, 1996.

Filed by the Secretary of State March 28, 1996.

96-117

PUBLIC HEALTH WEEK

Whereas, the improvement in the quality of life and health of our citizens depends on programs and services that emphasize the prevention of disease, disability, and dependence; and

Whereas, April 1-7 has been designated as National Public Health Week by the American Public Health Association and other distinguished states and national organizations; and

Whereas, the Illinois Public Health Association, together with many other state organizations, has dedicated the first week of April to showcase public health accomplishments and to hold special events; and

Whereas, all observances during the first week of April will be used as a means to improve understanding about and appreciation for the essential role that public health and population-based programs have in the health care system; and

Whereas, the observation is a cooperative effort of the state and local health departments, academic institutions, allied organizations, community groups, and professional and trade associations which have joined together to promote a common interest in public health and a population-focused, community prevention approach to better health care; and

Whereas, the Illinois Public Health Association is a voluntary

professional society whose members strive to protect and promote personal, community and environmental health through organized activities in the areas of education, research and health policy development;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1-7, 1996, as *PUBLIC HEALTH WEEK* in Illinois and urge citizens to take part in the events planned for this observance.

Issued by the Governor March 25, 1996.

Filed by the Secretary of State March 28, 1996.

96-118

RECORDS AND INFORMATION MANAGEMENT DAY

Whereas, the management and control of information is critical to every industry, and the creation, distribution, storage and retrieval of records are important to the continued and efficient operation of any organization; and

Whereas, an effective records management program provides security and control against loss; and

Whereas, records management professionals play important roles in maintaining appropriate business, civic and government records; and

Whereas, the Association of Records Managers and Administrators promotes professionalism and education in records and information management and provides a forum for the exchange of information and the establishment of standards within records management practices;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 2, 1996, as *RECORDS AND INFORMATION MANAGEMENT DAY* in Illinois.

Issued by the Governor March 25, 1996.

Filed by the Secretary of State March 28, 1996.

96-119

AMERICAN RED CROSS MONTH

Whereas, the American Red Cross -- the largest social service agency in the world -- is a humanitarian organization led by volunteers; and

Whereas, the American Red Cross is designated by the United States Congress as the nation's main voluntary agency responsible for disaster relief; and

Whereas, the American Red Cross is also designated by Congress as the primary emergency communications link between military personnel and their families; and

Whereas, the American Red Cross is the primary deliverer of health and safety services to the American people as approved by the American Academy of Sciences; and

Whereas, 56 American Red Cross chapters in Illinois provide services for the more than 11.7 million residents of the state; and

Whereas, the American Red Cross in Illinois provided relief services to victims of flooding, residential fires, and other disasters throughout the state during 1995;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 1996 as *AMERICAN RED CROSS MONTH* in Illinois, and commend this organization for the outstanding contribution and dedication it has made to our state's vitality.

Issued by the Governor March 26, 1996.

Filed by the Secretary of State March 28, 1996.

96-120

BREASTFEEDING PROMOTION MONTH

Whereas, during the month of May, the Illinois Department of Public Health, in coordination with regional breastfeeding taskforces, public and private organizations, and physicians and hospitals throughout Illinois, will promote the importance of breastfeeding; and

Whereas, this observance reminds Illinoisans that breastfeeding is nutritionally the best choice for infant feedings; and

Whereas, one of the Surgeon General's Year 2000 Health Promotion/Disease Prevention objectives for the nation is to increase the percentage of women who breastfeed their babies at birth to 75 percent, and to increase the number of mothers who have continued breastfeeding five to six months later to 50 percent; and

Whereas, only 30.4 percent of Illinois mothers choose to breastfeed their infants at birth and only 11.6 percent of Illinois mothers have continued breastfeeding five to six months later -- percentages well below the national averages and the Surgeon General's breastfeeding objectives for the nation; and

Whereas, increased evidence links education, determination and support of the success of breastfeeding;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1996 as *BREASTFEEDING PROMOTION MONTH* in Illinois.

Issued by the Governor March 26, 1996.

Filed by the Secretary of State March 28, 1996.

96-121

INDEPENDENT INSURANCE AGENTS CENTENNIAL DAY

Whereas, the Independent Insurance Agents of America, Inc. (IIAA) is celebrating 100 years of service as an association, having been founded in Chicago, Illinois, in 1896; and

Whereas, the State Association of Illinois, having been founded in Springfield, has helped serve the small business community and the state on behalf of the National Association; and

Whereas, IIAA is a voluntary federation of state associations and local boards proudly serving every state in the union with more than 300,000 independent insurance agents and their employees; and

Whereas, IIAA has recorded an illustrious history establishing itself as one of the nation's largest and oldest independent agent's associations known for its strength and effectiveness; and

Whereas, IIAA continues to maintain its original grassroots structure dedicated to fair practices in the marketplace, high business standards for the association and its members; and

Whereas, IIAA members rely on a commitment to competition, professionalism and education to ensure public confidence and choice in the insurance industry; and

Whereas, many thousands of consumers have benefited from the outstanding leadership and model this Association has provided for the industry and its members;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim

March 27, 1996, as *INDEPENDENT INSURANCE AGENTS CENTENNIAL DAY* and urge the citizens of Illinois to join me in paying tribute to the contribution that this great association has made to the civic enrichment of our community.

Issued by the Governor March 26, 1996.

Filed by the Secretary of State March 28, 1996.

96-122

MALCOLM X COLLEGE CAREER EXPO DAY

Whereas, Malcolm X College, one of the City Colleges of Chicago, serves a culturally rich and diverse community and is dedicated to "empowerment through education;" and

Whereas, Malcolm X College offers innovative and progressive programs in radiology, nursing, dietetic technology, cardiopulmonary therapy, pharmacology, physician assistant training, emergency medical technology/paramedical training, mortuary science/pathology assistant, radiation therapy, surgical technician, child development, business, secretarial sciences, computer information systems, liberal arts, adult learning skills, and adult continuing education; and

Whereas, Malcolm X College's Seventh Annual Career Expo and Health Fair will be held March 28, 1996, and is expected to draw more than 2,000 students and community residents and more than 100 health facilities, corporations, government agencies, non-profit organizations, high schools and universities;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 28, 1996, as *MALCOLM X COLLEGE CAREER EXPO DAY* in Illinois.

Issued by the Governor March 26, 1996.

Filed by the Secretary of State March 28, 1996.

96-123

SAVING MONTH

Whereas, saving is vital to the financial security of families and future generations; and

Whereas, education on financial issues at an early age is an important first step toward lifelong awareness of the value of personal saving; and

Whereas, increased saving will also provide investment capital to keep the American economy globally competitive and help maintain our national standard of living; and

Whereas, the saving ethic has always been an esteemed part of the American character, with its strong emphasis on economic independence and self-sufficiency;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1996 as *SAVING MONTH* in Illinois.

Issued by the Governor March 26, 1996.

Filed by the Secretary of State March 28, 1996.

96-124

AFRICA WEEK

Whereas, the African Student Council, formed in 1963, is a major Registered Student Organization at Southern Illinois University-Carbondale; and

Whereas, the group is aimed at promoting a mutual understanding among

African and American students, promoting cultural and social exchanges between African and American communities and other student organizations in the university, and promoting the exchange of ideas on issues relevant to the United States and Africa; and

Whereas, the African Student Council represents students from 37 African countries as well as from the United States, Europe and the Caribbean; and

Whereas, this year marks the 22nd annual Africa Week and the theme is "Africa Without Borders: The Challenge of Political and Economic Integration;"

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1-6, 1996, as *AFRICA WEEK* in Illinois.

Issued by the Governor March 27, 1996.

Filed by the Secretary of State March 28, 1996.

96-125

BETTER HEARING AND SPEECH MONTH

Whereas, communicative disorders such as hearing loss, speech impairments, and related language deficiencies constitute our nation's number one disability; and

Whereas, 24 million American -- about 10 percent of our population -- and 1.1 million Illinoisans have speech, language, or hearing impairments that may affect their education, vocational, personal and social functions; and

Whereas, most people with such disorders can be helped through medical treatment, surgery, hearing aids, or appropriate therapy; and

Whereas, the first step toward obtaining help is knowing it is available; and

Whereas, the leading national and regional organizations concerned with hearing, speech, and language problems have joined together to promote public awareness through an extensive annual effort; and

Whereas, such an effort will encourage and stimulate early detection of communicative disorders, proper prevention and treatment, and greater public understanding of hearing, speech, and language impairments;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1996 as *BETTER HEARING AND SPEECH MONTH* in Illinois.

Issued by the Governor March 27, 1996.

Filed by the Secretary of State March 28, 1996.

96-126

CALL BEFORE YOU DIG MONTH

Whereas, each year in Illinois, many lives are endangered, money and time wasted, and property destroyed because people fail to have underground facilities located prior to digging, blasting, boring, or otherwise disturbing the earth's surface; and

Whereas, Illinois' notification services, Joint Utility Locating Information for Excavators (JULIE), which covers all of Illinois except Chicago, and Chicago's Digger offer a free service to help the general public and professional excavators obtain information on the location of underground cables and mains; and

Whereas, since digging near underground facilities can be hazardous, JULIE and Digger agencies work to increase public awareness about the importance of calling before digging; and

Whereas, these educational efforts increase worker and public safety, prevent damage to underground facilities, and ensure the continuity of utility and communications services; and

Whereas, JULIE and Digger provide a convenient means for anyone involved in excavation to ensure their personal safety and comply with Illinois common law regarding excavation;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1996 as *CALL BEFORE YOU DIG MONTH* in Illinois.

Issued by the Governor March 27, 1996.

Filed by the Secretary of State March 28, 1996.

96-127

POETRY MONTH

Whereas, language is the centerpiece of human culture and poetry is language in its most exalted form; and

Whereas, poetry in our time is enjoying a renewal among our people; and

Whereas, the inauguration of National Poetry Month will be in April 1996;

and

Whereas, poets of vision and substance throughout Illinois will help celebrate this event; and

Whereas, the teachers of Illinois grow every year more alive to the power of language and more skilled in enabling us to find our own voices; and

Whereas, the students of Illinois now write and read poems with more feeling and skill than ever before;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1996 as *POETRY MONTH* in Illinois.

Issued by the Governor March 27, 1996.

Filed by the Secretary of State March 28, 1996.

Rules acted upon during the quarter of January 1 through March 31, 1996 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 952 published in Issue 2 will be listed as 50-952-2. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatale@ccgate.sos.state.il.us (Internet address).

PROPOSED

2-2500-2	23-2761-5	50-2001-14	68-1455-7	89-115-15
2-2500-2	23-2762-5	50-2051-10	68-3100-15	89-120-3
2-2501-2	23-2763-5	50-2405-9	77-245-1	89-121-9,15
8-281-1	23-2764-5	50-3119-11	77-250-1	89-140-3,4,6,
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